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NEW YORK STATE DEPARTMENT OF LABOR

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ANNUAL REPORT

OF THE

New York (State)  
INDUSTRIAL COMMISSION

FOR THE TWELVE MONTHS ENDED SEPTEMBER 30,

1915

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TRANSMITTED TO THE LEGISLATURE APRIL 17, 1916



ALBANY  
STATE DEPARTMENT OF LABOR  
1916

ALBANY  
J. B. LYON COMPANY, PRINTERS  
1916

YANKEE  
YANKEE  
J. B. LYON COMPANY

# STATE OF NEW YORK

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No. 56

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## IN ASSEMBLY

APRIL 17, 1916

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### ANNUAL REPORT

OF THE

## INDUSTRIAL COMMISSION

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STATE OF NEW YORK

DEPARTMENT OF LABOR

ALBANY, April 17, 1916.

*To the Legislature:*

Pursuant to law, the annual report of the Industrial Commission for the year ended September 30, 1915, is herewith submitted.

Respectfully,

(Signed) JOHN MITCHELL,  
*Chairman;*

(Signed) EDWARD P. LYON,

(Signed) LOUIS WIARD,

(Signed) JAMES M. LYNCH,

(Signed) W. H. H. ROGERS,

*Commissioners.*

By the Commission:

(Signed) HENRY D. SAYER,  
*Secretary.*

[3]

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**Part I**  
**REPORT OF THE COMMISSION**

**[7]**



## REPORT OF THE INDUSTRIAL COMMISSION

*To the Legislature:*

Pursuant to the provisions of section 46 of the Labor Law, the Industrial Commission herewith presents its report of the operations of the Department of Labor for the year ending September 30th, 1915. Included herewith and made part hereof are reports of the chiefs of the various bureaus of the Department, together with statistical tables and other data.

The report of the State Insurance Fund, submitted herewith, is made for the calendar year ending December 31st, 1915, rather than for the fiscal year ending September 30th, 1915. The advantages of reporting for the calendar year will be apparent when it is considered that the various stock and mutual insurance companies writing workmen's compensation insurance report to the Superintendent of Insurance for the calendar year. Moreover, the policy periods in the State Insurance Fund commence on January 1 and July 1, and the calendar year thus becomes the natural reporting period.

In this report we shall discuss briefly the history and organization of the Department of Labor and the work in its various bureaus. The separate bureau reports discuss fully the activities of those bureaus.

### HISTORY

The Legislature of 1915 was confronted with the fact that there were two great state departments dealing in an intimate way with the industries of the state.

The Department of Labor had been in existence for many years and as the state, from time to time, undertook new activities which were more or less closely related to labor and the industries of the state, provision was made for dealing with these subjects in the Department of Labor. This resulted in the creating of new bureaus in that Department from time to time.

There was also in the Department of Labor an Industrial Board composed of four members appointed by the Governor, and the

Commissioner of Labor, who was *ex-officio* an additional member and chairman. The Industrial Board was empowered to enact rules and regulations to carry into effect the provisions of the Labor Law with respect to sanitation, guarding of dangerous machinery, minimizing fire hazards, temperature conditions, and protection against dangerous fumes and gases. The Industrial Board also had power, under certain conditions and with certain limitations, to modify the law in order to avoid imposing unnecessary hardships upon certain industries.

It should be noted that the Legislature, by the enactment of chapters 234 and 347 of the Laws of 1915, transferred to the Department of Labor that part of the work of the former Fire Marshal's Department that related to the inspection of boilers in factories and the storage and handling of explosives and the licensing of explosive magazines.

Late in 1913, the Legislature enacted the first workmen's compensation law in this state, after the adoption of a constitutional amendment providing for such legislation. The law was re-enacted and amended in the early part of 1914. Under this law there was created the State Workmen's Compensation Commission composed of five commissioners appointed by the Governor, with the Commissioner of Labor *ex-officio* an additional member. The Compensation Law became effective July 1, 1914, and from and after that date all industrial accidents arising out of and in the course of employment in any of the hazardous employments named in the law, became compensable. This entailed a tremendous amount of work and the rapid creation of an organization to handle the work of examining claims and otherwise executing the provisions of the Compensation Law. Industrial accidents at the rate of approximately 1,000 a day were being reported to the Commission, about 150 of which each day were found to be compensable and became the subject of awards and payments by the Commission.

On April 1, 1915, the Compensation Law was amended in very important particulars, allowing direct settlement of claims by the employer and employee, and advance payments by the employer and his reimbursement for such advance payments out of any award or agreement that might subsequently be made, and also requiring

all payments of compensation to be made directly by the employer, instead of by the Commission. It was expected that these amendments to the law would result in decreasing to a considerable extent the volume of work which the Compensation Commission had to do.

It was recognized by the Legislature that the work of enforcing the Compensation Law and the provisions of the Labor Law might properly be entrusted to a single organization, and that greater efficiency and a more economical administration of all the laws relating to labor and industry might be effected by the establishment of a single department to deal with all of these laws.

Accordingly the Legislature enacted chapter 674 of the Laws of 1915 which placed in the hands of a single Commission the responsibility for the enforcement of the Labor Law and the Workmen's Compensation Law and the administration of the State Insurance Fund.

There were thus abolished the following positions occupied by the following incumbents:

Commissioner of Labor, James M. Lynch.

Members of the Industrial Board:

Richard J. Cullen,

Miss Pauline Goldmark,

Charles G. Flaesch,

John G. Walsh.

Secretary of the Industrial Board, John Williams.

Workmen's Compensation Commissioners:

Robert E. Dowling, Chairman;

John Mitchell,

Thomas Darlington,

Howard T. Mosher,

J. Mayhew Wainwright.

Secretary of the Workmen's Compensation Commission, Frank A. Spencer.

It should be noted that Mr. Wainwright had resigned as a member of the Workmen's Compensation Commission some time prior to the passage of the act abolishing that Commission and the

vacancy caused by his resignation had not been filled at the time the Commission was abolished.

To take the place of the bodies thus abolished, there was created an enlarged Department of Labor, at the head of which was the Industrial Commission, composed of five members appointed by the Governor.

#### REORGANIZATION

On June 1st, 1915, the Industrial Commission assumed charge of the Department of Labor.

The Commission was composed of the following members:

John Mitchell, Chairman, Mt. Vernon.  
Edward P. Lyon, Commissioner, Brooklyn.  
James M. Lynch, Commissioner, Syracuse.  
Louis Wiard, Commissioner, Batavia.  
William H. H. Rogers, Commissioner, Rochester.

At the first meeting of the Commission, held in the Capitol at Albany, the Commission appointed Henry D. Sayer of New York as secretary.

The positions of First and Second Deputy Commissioner of Labor, General Manager of the Workmen's Compensation Commission and Deputy Commissioners of the Compensation Commission having been abolished, the Commission was obliged to make temporary appointments of deputies to keep going the various bureaus of the Department. Accordingly the Commission appointed as First Deputy Commissioner, in charge of the Bureau of Inspection, Frank J. Prial of Brooklyn; as the Second Deputy Commissioner, in charge of the Bureau of Workmen's Compensation, William C. Archer of Mt. Vernon, and as Third Deputy Commissioner, in charge of the Bureau of Mediation and Arbitration, William C. Rogers of Rochester. Messrs. Prial and Rogers had been respectively First and Second Deputy Commissioners of Labor, and Mr. Archer had been the General Manager of the Workmen's Compensation Commission. The Commission also appointed Jeremiah F. Connor of Oneida, Counsel to the Commission, Mr. Connor having been Chief Counsel of the Workmen's Compensation Commission.

Mr. Prial was succeeded on July 16th, 1915, by James L. Gernon of Brooklyn as First Deputy Commissioner in charge of the Bureau of Inspection, Mr. Gernon having been the Chief Mercantile Inspector of the Department of Labor. Mr. Rogers was succeeded by Frank B. Thorn as Third Deputy Commissioner in charge of the Bureau of Mediation and Arbitration. The appointment of Mr. Archer as Second Deputy Commissioner in charge of the Bureau of Workmen's Compensation was made permanent. Subsequently Mr. Connor resigned as Counsel to the Commission and Robert W. Bonyngé was selected to succeed Mr. Connor on January 1, 1916.

The Industrial Commission, upon its organization, was confronted with the seriously pressing need of expediting the examination and hearing of claims for compensation by injured workmen and their dependents. Delay in this work for only a few days would have resulted in the accumulation of a vast number of cases with the consequent clogging of the machinery of the Department and would have brought distress and suffering to persons whose very means of livelihood depended upon the small sums of compensation to which they were entitled.

With all the vast amount of detail to be mastered by the new Commission, it would have been impossible for them to have given the requisite amount of attention to these cases and indeed had they been able to do so, the equally important work of other bureaus of the Department would have suffered. The Commission therefore decided at once to re-employ as Deputy Commissioners for the hearing of compensation cases, a number of the former Deputy Commissioners. Instead of the ten Deputy Commissioners employed by the Workmen's Compensation Commission to do this work, the Industrial Commission appointed six deputies, as follows, and assigned them to the work in the cities set after their names: Thomas J. Curtis, New York; Thomas J. Drennan, Brooklyn; Frank A. Tierney, Albany; Willard C. Richards, Syracuse; Cyrus W. Phillips, Rochester; George W. Batten, Buffalo. These six Deputy Commissioners were, under the consolidation law, placed in the classified Civil Service. There being no existing eligible list for the position, the appointments were allowed by the Civil Service Commission for a pro-

visional term until the establishment of an appropriate Civil Service list. Mr. Drennan in Brooklyn was subsequently superseded by David M. Stone. Mr. Tierney in Albany was superseded by William A. Abbott. Mr. Batten in Buffalo was superseded by James McLusky. The present incumbents having successfully passed the Civil Service examination, the appointments have become permanent.

The Industrial Commission, immediately after its organization, undertook a survey of the work of the Bureau of Workmen's Compensation, with the result that it was found possible to close three of the branch offices established by the former Compensation Commission. These offices were at 29 Broadway in lower Manhattan, 14th street and Courtlandt avenue in the Bronx, and Poughkeepsie, N. Y. The business of the lower Broadway and Bronx offices was transferred to the district office maintained at 171 Madison avenue, while the business of the Poughkeepsie office was transferred to the Albany office. Each of these offices had been in charge of a Deputy Commissioner at a salary of \$4,000 per annum and with a necessary complement of office force. Arrangements were promptly made to close the offices and to terminate the leases at the earliest dates practicable and with the least expense.

On July 15th, in order to carry out the provisions of the law relative to making the rules and regulations known as the Industrial Code and considering amendments and modifications thereof, and to assist the Commission in the performance of the duties that formerly devolved upon the Industrial Board, the Commission, with the approval of the State Civil Service Commission, appointed Richard J. Cullen of New York and Thomas C. Eipper of Brooklyn as Deputy Commissioners in the Bureau of Industrial Code.

#### **DISTRIBUTION OF RESPONSIBILITY**

The law creating the Industrial Commission provides (section 45 of the Labor Law) that, at the first or organization meeting of the Commission and annually thereafter, the Commission shall, by resolution, apportion among the Commissioners the administrative work involved in the performance of its duties. In accordance with this provision of the law, the Commission made the

following distribution of its responsibilities and apportionment of its duties:

Chairman Mitchell:

Bureau of Compensation, Agreements, Awards, Payments.

Commissioner Lyon:

State Insurance Fund, Self-insurance, Legal Bureau.

Commissioner Wiard:

Bureau of Industrial Code, Bureau of Statistics and Information, Bureau of Mediation and Arbitration.

Commissioner Lynch:

Bureau of Inspection, Bureau of Printing, Bureau of Fire Hazards, Boilers and Explosives.

Commissioner Rogers:

Bureau of Industries and Immigration, Bureau of Employment, Investments of the surplus and reserves of the State Insurance Fund.

Under this scheme of distribution of responsibility, while the individual Commissioners are not relieved in any way from their responsibility for the general management of the Department and the efficient administration of the law through all its various bureaus, the immediate responsibility for each bureau and the conduct of business in that bureau, is directly centered in the Commissioner supervising such bureau. All matters arising in such bureau that require the action of the entire Commission, or that should be reported to the Commission, are brought before it by the supervising Commissioner.

#### MEETINGS

The law creating the Industrial Commission provides that the Commission shall hold stated meetings "at least once a month at the office of the Department in Albany or in New York City, and shall hold other meetings when and where called by the Chairman or two members of the Commission." This is the minimum requirement of the law. As a matter of fact, however, the Com-

mission has been practically in continuous session since its appointment. Meetings are held on every Tuesday and Thursday for the transaction of the administrative business of the Department. In addition the Commission has held sessions for the trial of compensation cases, the making of awards and lump sum settlements on practically every Monday, Wednesday and Friday. The Commissioners have heard hundreds of cases and have taken thousands of pages of testimony. While the nature of the work of the Department is such as to make it necessary for the Commission to sit much of the time in New York City, still it has held numerous sessions in Albany, and has never failed to meet in the Capitol when the interests of the Department or the business coming before it have seemed to make it desirable to meet there.

#### **ORGANIZATION OF THE DEPARTMENT**

The Department of Labor is organized in the following bureaus and subdivisions:

#### **OUTLINE OF ORGANIZATION**

##### **GENERAL ADMINISTRATION:**

The Commissioners

The Secretary

Assistant Secretaries

Division of Accounts

Supplies

Hearing Stenographers

Telephone Operators

Mailing Division

Legal Bureau

Counsel

Assistants to Counsel

##### **BUREAU OF INSPECTION:**

First Deputy Commissioner

Factory Inspection Division

Mercantile Inspection Division

Homework Inspection Division

Division of Industrial Hygiene

##### **BUREAU OF COMPENSATION:**

Second Deputy Commissioner

Albany office

Deputy Commissioner

BUREAU OF COMPENSATION — (*Continued*) :

New York office  
    Deputy Commissioner  
Brooklyn office  
    Deputy Commissioner  
Syracuse office  
    Deputy Commissioner  
Rochester office  
    Deputy Commissioner  
Buffalo office  
    Deputy Commissioner  
Division of Claims  
    Chief of Claims  
Medical Division  
    Chief Medical Examiner  
State Insurance Fund  
    Manager  
        Underwriting  
        Payroll auditing  
        Claims  
        Accounts  
Actuarial Division  
    Actuary

## BUREAU OF MEDIATION AND ARBITRATION:

Third Deputy Commissioner  
    Albany office  
    New York office

## BUREAU OF STATISTICS AND INFORMATION:

Chief Statistician  
    Albany office  
        Division of General Labor Statistics  
        Division of Industrial Accidents  
        Division of Industrial Directory  
        Division of Special Investigations  
        Division of Publication  
            Editor of Official Bulletin  
    New York office  
        Assistant Chief Statistician

## BUREAU OF INDUSTRIAL CODE:

New York office  
    Deputy Commissioners, two

**BUREAU OF INDUSTRIES AND IMMIGRATION:**

Chief Investigator  
New York office  
Buffalo office

**BUREAU OF EMPLOYMENT:**

Director  
New York office  
Albany office  
Syracuse office  
Rochester office  
Buffalo office

**BUREAU OF FIRE HAZARDS, BOILERS AND EXPLOSIVES:**

Chief Engineer

**BUREAU OF PRINTING:**

Supervisor of Printing and Publications

The foregoing shows in brief the outline of the organization of the Department. It is impossible, however, to show the degree of interdependence of the various units of organization or to adequately present the relative importance or volume of business of the several bureaus and divisions. It is the hope, however, that a glance at the outline will suggest in a small way the problem confronting the Commission at the time of its appointment.

**CONSOLIDATION OF OFFICES**

In consolidating the Department, the Commission found itself with various offices, in different cities, in which were housed bureaus that now were under one central administrative control. Thus, in the City of New York, even after the closing up of the lower Broadway and the Bronx offices, there still remained four separate offices, located as follows: At No. 1 Madison avenue were located the general administrative offices of the Commission, Bureau of Workmen's Compensation, including the Division of Claims and the State Insurance Fund, together with the large public hearing room for the hearing of compensation claims. At No. 381 Fourth avenue were located the Bureau of Inspection, including the office of the First Deputy Commissioner, the Chief Factory Inspector for the First District, and five Supervising Factory Inspectors; Division of Mercantile Inspection, Division

of Homework Inspection, Division of Industrial Hygiene and the subdivision of Engineering; also the Bureau of Employment, Bureau of Industrial Code, Bureau of Mediation and Arbitration and Bureau of Statistics and Information. At No. 95 Madison avenue was located the Bureau of Industries and Immigration. At No. 171 Madison avenue was located a branch office of the Bureau of Workmen's Compensation for the investigation of local claims. The latter office might properly have been located with the main office of the Commission at No. 1 Madison avenue, but the quarters were already so crowded that consolidation at that point was impossible.

Appreciating the difficulties of the administration and supervision of offices so widely separated, as well as the confusion to the public and the great expense of New York City rentals, the Commission early undertook to effect a physical consolidation of these various bureaus, and before the close of the fiscal year, placed before the Trustees of Public Buildings a complete plan for the renting of suitable and adequate quarters in the Victoria Building, No. 230 Fifth avenue, corner Twenty-seventh street, in which might be brought together all of the various bureaus and activities of the Commission in the City of New York. These plans were approved and at the time of this writing the entire Department in New York City is housed under one roof.

In the City of Albany, the Department of Labor, prior to consolidation, had moved into new quarters in the westerly wing of the Capitol. The Bureau of Workmen's Compensation, however, continued to occupy the quarters rented for it by the former Workmen's Compensation Commission in the Arkay Building on State street. By a rearrangement of the offices assigned to the Department in the Capitol, and crowding together somewhat, it was found possible to provide suitable quarters for the Bureau of Compensation in the Capitol Building with the other bureaus of the Department. Greater efficiency is, therefore, now possible in the control of the work with the saving of a very considerable amount of rent.

Similarly, physical consolidations were effected in the offices of the Department in Buffalo and Rochester, resulting in each case in a saving of expense and increase in efficiency.

**INDUSTRIAL COUNCIL**

New York State has placed itself in the very forefront of progressive industrial states through the enactment of the provision for an Industrial Council to act as the advisor of the Industrial Commission. Section 40-a of the Labor Law as amended in 1915 provides in part as follows:

To advise the Commission, there shall be an Industrial Council, composed of ten members, appointed by the Governor. Five members of the Council shall be persons known to represent the interests of employees and five shall be persons known to represent the interests of employers.

That section further provides that the Council shall select as its chairman a person not a member of the Council and provides that the Secretary of the Commission shall act as Secretary of the Council. The duty is imposed upon this Council of advising the Industrial Commission with respect to all matters submitted to it by the Commission, particularly with regard to matters of general policy, and to co-operate with the Civil Service Commission in the preparation of lists of eligibles for positions in the Department of Labor requiring special training and fitness. The law provides also that no rule or regulation of the Commission, nor any amendment, modification or repeal thereof, may be enacted until the same shall have been submitted to the Industrial Council for their consideration and advice.

On August 30, 1915, the Governor appointed the following persons as members of the Industrial Council:

**Representing the interests of employers:**

Edward J. Barcalo, Buffalo, president Barcalo Manufacturing Co.;

Carleton A. Chase, Syracuse, Syracuse Chilled Plow Co.;

Irving T. Bush, Brooklyn, Bush Terminal Co.;

Richard C. Stofer, Norwich, Norwich Pharmacal Co.;

George E. Emmons, Schenectady, General Electric Co.

**Representing the interests of employees:**

James P. Holland, New York, president State Federation of Labor;

John C. Clark, Buffalo, vice-president State Federation of Labor;

Richard H. Curran, Rochester, secretary Molders' Union, Rochester;  
Thomas M. Gafney, Syracuse, publisher of Industrial Weekly, Syracuse;  
Miss Melinda Scott, New York, president Women's Trade Union League.

The members of the Council were called together by the Secretary on September 9th and thereafter elected Mr. J. Mayhew Wainwright of Rye, New York, as the Chairman of the Council.

The Council has met at least once in each month, has held special meetings on other occasions, and has advised the Industrial Commission and the Civil Service Commission with respect to the matters submitted to it.

The Commission regards it as unfortunate that the Legislature failed to provide for any compensation to members of the Industrial Council, or even for their ordinary traveling expenses. The members of the Council and the Chairman have exhibited a splendid spirit of devotion to the industrial welfare of the state in giving freely of their time, thought and abilities without compensation and even at considerable cost to themselves for traveling expenses. The Commission earnestly hopes that the Legislature will see fit to provide a suitable sum for compensation of the members and Chairman of the Council for each meeting attended by them, and in any case a fund for the payment of the traveling and hotel expenses of the members of the Council when engaged in their official duties.

In the business of the Council the representatives of the employers have met with the representatives of the wage earners and all have given thoughtful consideration to the problems before them. Already there is manifested a fine spirit of co-operation and of better understanding between the representatives of these great groups, which too often in the past have mistrusted and distrusted each other. From the beginning already made, it can safely be predicted that capital and labor will be brought closer together and that there will be a more sympathetic recognition of the rights and obligations of each.

The Council has organized itself into committees for the consideration of various phases of its work. Each committee is com-

posed of a representative of the employers and a representative of the employees. The committees are as follows:

Legislation: Messrs. Emmons and Holland.

Industrial Code: Messrs. Barcalo and Clark.

Workmen's Compensation and Accident Prevention: Messrs. Chase and Curran.

Civil Service: Messrs. Stofer and Gafney.

Mediation and Arbitration: Mr. Bush and Miss Scott.

#### BUREAU OF INSPECTION

The Bureau of Inspection, under the law, is under the direct charge of the First Deputy Commissioner. On July 16th, 1915, James L. Gernon was appointed First Deputy Commissioner and placed in charge of the bureau. Mr. Gernon had been in the Department for many years, having entered through the Civil Service, and at the time of his appointment as First Deputy, and for some years prior thereto, had been the Chief Mercantile Inspector of the Department. Mr. Gernon applied himself immediately to the problems of the bureau, particularly with a view to bringing up to a high state of efficiency the two great divisions of factory inspection.

Some reorganization of the bureau was undertaken. The so-called "Division of Appeals" was abolished and matters of appeal that could not be decided by the Supervising Inspectors and Chief Inspector were referred to the Bureau of Industrial Code to investigate and bring directly before the Commission.

In the latter part of 1914 the Fireproofing and Fire-Resisting Codes were adopted by the old Industrial Board, and following the adoption of these codes, many thousands of orders were issued, requiring the enclosure of stairways in factory buildings by partitions of fire-resisting material and requiring additional means of exit. Many of these orders imposed heavy financial burdens upon the owners of the property affected, requiring in some instances an almost complete remodeling and rearrangement of buildings, which at the time of their construction were built in complete conformity to the law as it then existed. The most intense opposition was encountered in seeking to enforce the provisions of the law with regard to factory exits, and for a long time compliances

with the orders were relatively few. In hundreds of cases, however, plans for the remodeling and alteration of buildings were filed with the Department for examination and approval. The subdivision of engineering was swamped with plans, and work was held up, awaiting their approval. A vast amount of time was utilized in the making of so-called "compliance visits" to ascertain whether orders issued on particular buildings had been complied with, or whether the work had been started or plans filed. Toward the latter part of the fiscal year, compliances became very much more numerous, and we are now able to report that the work of compelling compliance with the new fire protection laws is progressing rapidly.

Owing to the promotion of Mr. Gernon, the former Chief Mercantile Inspector, to be First Deputy Commissioner, a vacancy at the head of the Division of Mercantile Inspection was created. There being no existing eligible list for the position, the Civil Service Commission was requested to hold an examination for Chief Mercantile Inspector, and in the meantime, Mercantile Inspector Frank L. Fisher was assigned as Acting Chief of the Division. The Commission was unable under the law to compensate Mr. Fisher in any material way for his many months of patient and painstaking work and the assumption of large responsibility as such Acting Chief. The Commission desires to record, however, its high appreciation of the splendid service rendered by Mr. Fisher while in charge of the division and his loyal devotion to the interests of the Department.

#### BUREAU OF COMPENSATION

The Bureau of Compensation, as constituted under the consolidation act, is under the immediate charge of the Second Deputy Commissioner, William C. Archer. Mr. Archer has submitted a comprehensive and detailed report of the operations of this bureau, to which attention is directed, and Mr. F. Spencer Baldwin, Manager of the State Insurance Fund, has also submitted his report of the operations of the State Fund. Both of these reports are submitted herewith and reference is hereby made to them.

The bureau has been extraordinarily hardworking and efficient. Practically new, the organization has the work splendidly in hand. Claims are received, examined and put on for hearings in nearly every instance within two weeks after the claim has become compensable. Death cases and cases involving difficulties of proof naturally take somewhat longer.

In the Legislature of 1915 bitter controversy arose over the proposal to amend the Compensation Law in respect to direct payments by employers and to permit private agreements to be made between employers and injured workmen for their compensation. Laws providing for both were enacted to take effect April 1, 1915. By the direct payment of claims a tremendous burden of detail work in the matter of making payments has been gradually taken from the Commission and transferred to the shoulders of the employer, or his insurance carrier. Also many thousands of cases of claims for compensation have been settled by direct settlement between the employer and his employee. These agreements have been examined and approved by the Commission. While the law has not been in operation a sufficient time to warrant the drawing of final conclusions based upon ascertained facts, the Commission has not found sufficient evidence of abuses in connection either with private agreements or direct payments to warrant the belief that employees have not or will not receive the full amount of compensation to which they are entitled.

The passing of the administration of the Workmen's Compensation Law from the hands of the Workmen's Compensation Commission to the State Industrial Commission, has been effected without friction or any appreciable delay in the handling of claims.

In the administration of the Compensation Law, various matters have come to our attention, showing the necessity of amending the law in certain particulars. These matters are taken up under the heading of Legislative Recommendations.

#### STATE INSURANCE FUND

The growth and strength of the State Insurance Fund is a matter of much gratification to the Commission. In order that employers, who are compelled to insure their employees under the

Compensation Law, may have safe and complete insurance at the bare cost of such insurance, the state was obliged to set up and create a State Fund. The fund is and should be an aggressive competitor for business. The Commission does not believe that the State Fund should be a mere passive agency and dumping ground for bad risks that no company would insure. If it is to be of real service to its policy holders and serve effectively the interests of the people of the state, it must do a sufficiently large business to guarantee its complete safety and to serve as a useful and necessary check upon the rates demanded by the stock companies writing a similar class of business.

As a result of its activities, the State Fund has been the object of a most active campaign against it on the part of various insurance companies. An effort was made in 1915 to separate the State Insurance Fund from the jurisdiction of the Commission, and either to set it up as a separate department, or to place it under the supervision of the Superintendent of Insurance. This effort was not successful and in the consolidation of the Department of Labor and the Workmen's Compensation Commission, the State Fund passed into and became part of the enlarged Department. The Commission believes that it would be a mistake now to separate the State Fund from the other activities of the Commission.

The Industrial Commission which exercises oversight over all the activities of the state which are directly related to the welfare of the wage earners, properly should be the administrative head of the State Insurance Fund upon whom thousands of workmen are dependent for the payment of the compensation to which they may be or become entitled. The State Fund is now well beyond the point where it can be regarded as experimental or where any question can be raised as to its safety or the security of its policy holders.

As will more fully appear in the report of the Manager of the State Insurance Fund, submitted herewith, the Fund is on a sound and substantial financial basis.

The net premium income for the year ended December 31st, 1915, was \$1,293,613.15, while the total losses paid during the year amounted to \$293,013.83. The amount of loss reserves on December 31st, 1915, was \$906,848, while an additional surplus

was set up, equalling \$145,729.33, to meet any extraordinary catastrophe or emergency. The fund earned a surplus of \$400,314.22 and paid dividends to its policy holders, amounting to \$347,541.45. The average dividend in the various groups for the first policy period ending December 31st, 1914, was 14.8%, whereas the average dividend for the next policy period was 15%, and for the third policy period ending December 31st, 1915, 16%. Thus, then, insurers in the State Fund have not only benefited by rates that are on the average 20% below the manual rates of the stock and mutual companies, but they have received in addition, substantial dividends, which, when credited upon the premiums for the next policy period, result in very materially reducing the cost of insurance.

#### BUREAU OF MEDIATION AND ARBITRATION

During the year this bureau was under the control of Third Deputy Commissioner William C. Rogers. At the time of writing, however, the bureau is under the supervision of Mr. Frank Bret Thorn of Buffalo.

Excellent work has been accomplished in the way of settling strikes, as well as by effecting agreements before strikes were called. The report of the bureau appended hereto gives the detail of strikes and labor difficulties in which the Department has been of service.

#### BUREAU OF STATISTICS AND INFORMATION

The former Workmen's Compensation Commission, realizing the great need of accurate statistical data relating to industrial accidents and their compensation was preparing to undertake statistical studies on a large scale. This would have meant a statistical bureau to do work similar to that being done by the statistical bureau of the Labor Department, and would have resulted in a very substantial increase in the cost of the operation of the Commission. Through the consolidation of the two departments, the Bureau of Statistics of the Labor Department was enabled to take over the statistical analysis of industrial accidents and compensation cost.

Aside from the great practical value of such information to all concerned in this state, New York, because of its leading position among industrial states, has the opportunity to provide some of the most important accident statistics in the country. Of the work of the Bureau of Statistics and Information that in this field is clearly of the very first importance.

#### OFFICIAL BULLETIN

In order to disseminate information relative to the activities of the Department, as well as other information, and to publish notices required by law to be published, the Commission established the "Bulletin" which is issued monthly for free distribution. As editor of the Official Bulletin, the Commission appointed Willard A. Marakle of Rochester.

In addition to the matters required by law to be published, it has been the aim of the Department to publish from time to time, through this medium, articles with regard to the operation of the various bureaus and divisions of the Department. A very valuable feature of the Bulletin is the publication of the written opinions of the Commission in compensation cases. These opinions are not only in great demand by insurance companies and large employers of this state, but there is an increasing demand from all states in the Union for them.

The Commission has endeavored to have the Bulletin entered as second-class mail matter by the U. S. postal authorities. Unfortunately it has been unable to accomplish such a result. The Federal laws permit the entry of Bulletins of State Health Departments, Departments of Education and Agricultural Departments as second-class mail matter. There is no provision, however, permitting the entry of such publications by Departments of Labor or Industry. The Commission is now endeavoring, in co-operation with the labor departments of other states, to have such a law enacted by Congress. The extension of second-class mail privileges to the "Bulletin" would result in a very substantial saving to the state in the cost of postage.

**BUREAU OF EMPLOYMENT**

The Employment Bureau is a new activity in the State of New York. There has been much controversy as to whether the problem of unemployment is a state or a municipal problem. It seems to be generally recognized at the present time that unemployment is as much a state problem as is education. The first State Employment Office was opened in Brooklyn in 1914. Other offices have been established in Albany, Syracuse, Rochester and Buffalo. These offices are doing splendid work.

The report of the Director of the Bureau of Public Employment which is submitted herewith is worthy of the careful study of any one interested in the subject.

The principal thought in the management of the bureau has been not only to bring the jobless and the job together, but to bring to the job the person who is looking for that particular kind of a job and is qualified to fill it. It has been necessary to convince employers of labor that the bureau can supply them with the kind of employees they want and who can give satisfaction. By learning in detail just the kind of an employee an employer wants, it has been possible to furnish from lists of those registered for employment, an employee who can satisfactorily fill the place. In this way the employee is satisfied, the employer is well pleased and the bureau has rendered a real service to both.

There is an increasing demand for the establishment of additional employment offices, both in the large cities and in farming communities, for the handling of skilled employees and farm labor. The Commission has been unable to meet these demands because of the lack of sufficient appropriations. As time goes on, however, the demand will become increasingly great and will be so insistent that the state should recognize the necessity of providing suitable appropriations for the establishment of additional offices.

**BUREAU OF INDUSTRIES AND IMMIGRATION**

While it is true that immigration has fallen off to a point where it has become almost negligible at the Port of New York, due to the European war, yet the Bureau of Industries and Immigration has completed a very successful and busy year. The somewhat prevalent notion that this bureau has to deal only with incoming aliens has been disproved by the activities of the bureau.

The bureau is responsible for the oversight of living as well as working conditions of aliens resident in this state. The inspections of temporary labor camps, including living accommodations at the canneries in summer months, investigations of complaints of extortion, frauds, wage difficulties and various other conditions have kept the bureau usefully occupied. Immigrant lodging houses also have been inspected and licensed.

The bureau has had under investigation for a long period of time conditions on the docks with regard to orders for railroad tickets, bought abroad and exchanged for railroad tickets on the docks. Certain practices there in force were brought to the attention of the Interstate Commerce Commission, and it is confidently expected that the vigorous action of the Bureau will result at least in vastly improving the conditions on the docks in respect to such transportation orders.

The report of the Chief Investigator of the bureau is submitted herewith and refers in detail to the activities of the bureau.

#### BUREAU OF FIRE HAZARDS, BOILERS AND EXPLOSIVES

The Legislature of 1915 abolished the office of State Fire Marshal, and by amendments to the Labor Law placed in the Department of Labor the functions of inspecting steam boilers in factories in the state, except in certain cities where other provision for such inspection is made by local laws or ordinances, and also the inspection and licensing of magazines for the storage of explosives.

This bureau was organized by the Industrial Commission by the appointment of George A. O'Rourke as Chief Engineer, Mr. O'Rourke having held a similar position in the Fire Marshal's office. Some ten boiler inspectors were also appointed, several of whom had served under the Fire Marshal. Funds have been insufficient to man the bureau sufficiently to cover the entire state. Good progress, however, has marked the work of the bureau. This bureau is practically self-sustaining; the fees received for boiler inspections and certificates of compliance issued for explosive magazines and turned into the State Treasury are equal to the cost of maintenance of the bureau. The bureau, between the time of its organization in June, 1915, and September 30th, turned into the state the sum of \$6,840, of which

\$5,185 was received for certificates of compliance issued for explosive magazines, and \$1,655 for certificates of boiler inspection.

#### BUREAU OF INDUSTRIAL CODE

The act creating this Commission and abolishing the old Industrial Board, placed upon this Commission the obligation to continue the work of extending the Industrial Code, and revising it to meet changing conditions. Power was also conferred upon the Commission to vary the terms of the law or of the Industrial Code to meet a particular situation if a strict application of the law or code should work unnecessary hardship or there should be practical difficulties in the way. Such variation, however, should only be made if the spirit of the law or code were observed and public safety secured.

In order to carry out the vastly important work of code making and of properly considering applications for variations, the Commission organized a Bureau of Industrial Code with two deputy commissioners in charge. These deputies have made a large number of inspections of factories with a view to making recommendations as to variations, held hearings on the more routine cases, and reported their findings or conclusions to the Commission.

The Industrial Code deputies were provisionally appointed on July 16th, 1915. An open competitive examination for the position has been held by the Civil Service Commission. In view of the fact that up to the close of the fiscal year the eligible list had not been established and since it could not be ascertained whether the provisional deputies would pass sufficiently high to permit their permanent appointment, the work of formulating additions or amendments to the industrial code could not well be undertaken. The process of making such rules and regulations is slow and the work must be done with care and discrimination. Since the close of the fiscal year, however, the eligible list for deputy commissioner has been established and the provisional appointments of Deputy Commissioners Cullen and Eipper have been made permanent. With the permanent organization of the bureau it is expected that the great constructive work of the Commission along the lines of a wise and equitable industrial code will be taken up vigorously.

**RECOMMENDATIONS FOR LEGISLATION**

The Workmen's Compensation Law was hastily constructed and was the result of compromises in some directions. It also imposed new and untried conditions upon the industrial life of this state. Under the circumstances, it was but natural that in the practical operation of the law numerous flaws and omissions should be found. Among other things, it was found that many hazardous employments were not covered by law, although they should have been. Then, too, ambiguities and uncertainties as to the meaning of certain sections of the law have arisen, while the courts have by their decisions interpreted the law differently than the Commission, and rendered desirable certain changes in the law.

The Commission has, therefore, suggested a large number of amendments, both to the Workmen's Compensation Law and to the Labor Law, and has submitted these suggestions to the Special Joint Committee of the Legislature appointed to investigate the need of amendments to these laws. It is not the purpose of the Commission to discuss these various amendments in this place. The proposed amendments and the reasons therefor are submitted herewith and made a part hereof.

**FINANCIAL**

Appended hereto are tables showing (a) the appropriations, payments made and expenses incurred for the Department of Labor and the Workmen's Compensation Commission to carry on the work of those departments for the fiscal year ending September 30, 1915, as well as the re-appropriations of unexpended balances appropriated to the Industrial Commission for the maintenance of the consolidated department; (b) a detailed statement of the expenditures of the Department of Labor from October 1, 1914, to May 31, 1915, prior to consolidation; of the expenditures of the Workmen's Compensation Commission from January 1, 1915, to May 31, 1915, when it was merged with the Department of Labor, and of the expenditures of the Industrial Commission from June 1, 1915, to September 30, 1915; and (c) a statement showing the cost of administering the Workmen's Compensation Law from October 1, 1914, to September 30, 1915,

including the entire cost of the former Workmen's Compensation Commission and that part of the cost of the Industrial Commission that is properly chargeable to the enforcement of the Compensation Law, making an equitable apportionment of the general administrative salaries and rents that are charged to the compensation cost. It has been deemed necessary that a separation be made of such charges in view of the provision in the Compensation Law that after January 1, 1918, the cost of administering the Compensation Law shall be assessed back upon the various insurance carriers.

The total cost of operating the two departments separately to May 31, 1915, and jointly from June 1, 1915, to the end of the fiscal year was \$1,425,000. The Commission has endeavored to so reorganize the work that it will be able to operate the consolidated department for the coming year for about \$1,225,000. From the information already at hand it is apparent that it will be well within those figures.

The Commission, therefore, notwithstanding certain increased functions, will operate the Department efficiently at a saving of at least \$200,000.

Respectfully submitted,

(Signed) JOHN MITCHELL,  
*Chairman.*

(Signed) EDWARD P. LYON,  
*Commissioner.*

(Signed) LOUIS WIARD,  
*Commissioner.*

(Signed) JAMES M. LYNCH,  
*Commissioner.*

(Signed) W. H. H. ROGERS,  
*Commissioner.*

By the Commission,

(Signed) HENRY D. SAVER,  
*Secretary.*

REPORT OF THE INDUSTRIAL COMMISSION, 1915

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STATEMENT OF APPROPRIATIONS, PAYMENTS MADE THEREFROM, AND EXPENSES INCURRED.

	Department of Labor	Workmen's Compensation Commission	Industrial Commission
<b>Appropriations:</b>			
Balance, October 1, 1914.....	\$210,915 40	\$297,329 34*	
Appropriation (L. 1914, Ch. 529).....	726,920 00	.....	
Appropriation (L. 1915, Ch. 104).....	.....	425,000 00	
<b>Total</b> .....	<b>\$937,835 40</b>	<b>\$722,329 34</b>	
<b>Payments made:</b>			
October, 1914.....	\$60,220 11	\$65,146 59	
November, 1914.....	54,489 62	71,938 88	
December, 1914.....	63,258 33	52,188 88	
January, 1915.....	60,852 17	79,031 99	
February, 1915.....	64,262 71	40,690 90	
March, 1915.....	57,506 08	42,250 01	
April, 1915.....	57,823 81	60,873 15	
May, 1915.....	48,260 46	65,103 60	
<b>Total</b> .....	<b>\$466,673 29</b>	<b>\$477,223 98</b>	
<b>Balances, May 31, 1915</b> .....	<b>\$471,162 11</b>	<b>\$245,105 36</b>	<b>+\$716,267 47</b>
<b>Payments made:</b>			
June, 1915.....	.....	.....	\$121,000 35
July, 1915.....	.....	.....	128,958 68
August, 1915.....	.....	.....	119,306 66
September, 1915.....	.....	.....	117,660 67
<b>Total</b> .....	.....	.....	<b>\$486,926 36</b>
<b>Balance, September 30, 1915</b> .....	.....	.....	<b>+\$229,341 11</b>
<b>Expenses incurred:</b>			
October, 1914.....	\$63,052 78	\$70,272 81	
November, 1914.....	59,899 50	63,414 27	
December, 1914.....	53,583 46	51,435 20	
January, 1915.....	63,337 95	69,538 80	
February, 1915.....	57,234 73	61,837 67	
March, 1915.....	57,438 31	46,707 52	
April, 1915.....	59,741 39	54,728 73	
May, 1915.....	62,633 53	51,854 84	
<b>Total</b> .....	<b>\$476,921 65</b>	<b>\$478,732 27</b>	
June, 1915.....	.....	.....	\$111,181 70
July, 1915.....	.....	.....	109,638 38
August, 1915.....	.....	.....	104,547 09
September, 1915.....	.....	.....	105,365 19
<b>Total</b> .....	.....	.....	<b>+\$450,981 49</b>

\*Including \$61,258.58 for the State Insurance Fund.

†Appropriated by L. 1915, Ch. 726.

‡Includes \$228,629.10 from general and \$712.01 from special appropriations.

§Includes \$8,942.43 unaudited at end of May in addition to total of audited accounts as given by months.

††Includes \$20,249.13 unaud. at end of September in addition to total of audited accounts as given by months.

## CLASSIFIED EXPENSES BY

BUREAU OR DIVISION	Salaries	Traveling	Telephone and telegraph	Stationery and printing	Furniture and fixtures	Stamps
<b>Department of Labor:</b>						
Administration.....	\$30,462 96	\$3,378 28	\$62 52	\$1,156 04	\$350 35	.....
Legal Division.....	8,824 68	966 95		48 95	106 81	.....
Bureau of Inspection.....	5,133 28	18 75	577 54			.....
Division of Factory Inspection.....	142,045 58	29,427 54		4,229 32	875 94	.....
Division of Homework Inspection.....	15,600 00	2,957 42		408 44	87 45	.....
Division of Mercantile Inspection.....	23,146 56	4,723 43		1,255 56	4 50	.....
Division of Industrial Hygiene.....	44,069 52	4,437 82		109 41	91 44	.....
Bureau of Industries and Immigration.....	23,277 66	2,348 73	197 07	360 72	16 50	.....
Bureau of Mediation and Arbitration.....	11,145 11	1,225 22		233 04	151 52	.....
Bureau of Statistics and Information.....	36,063 12	1,877 11		3,711 86	506 45	\$15 00
Bureau of Fire Hazards, Boilers and Explosives.....					90 50	.....
Bureau of Employment.....	15,056 86	982 42	272 61	405 77	4,503 36	34 46
Bureau of Printing and Publication.....	3,725 28	20 35		45 81	65 02	.....
Industrial Board.....	16,306 70	3,127 22		1,556 90	164 61	.....
General.....		10	1,428 50	3,895 71	225 35	3,769 61
<b>Total.....</b>	<b>\$374,857 31</b>	<b>\$55,491 34</b>	<b>\$2,538 24</b>	<b>\$17,417 53</b>	<b>\$7,239 80</b>	<b>\$3,819 07</b>
<b>Workmen's Compensation Commission:</b>						
Administration.....	\$51,479 11	\$2,493 83	\$860 96	\$807 41	\$1,138 44	\$884 74
Legal Division.....	11,162 58	1,188 47	320 91	365 41	471 56	110 83
Bureau of Secretary.....	22,397 71	663 77	536 98	241 98	1,209 99	306 30
Division of Cashier.....	13,998 04	123 13	152 10	1,313 45	905 04	1,219 12
Division of Accounts.....	9,091 93	31 55	179 20	1,278 35	13 75	.....
General Manager.....	8,266 66	62 65	247 53	193 30	251 45	.....
Division of Claims.....	82,939 00	1,475 34	397 91	23,721 79	2,971 65	8,413 04
Subdivision of Medical.....	7,875 08	353 93	91 31	91 47	394 30	84 55
Division of State Insurance Fund.....	58,616 38	1,650 65	768 22	11,794 65	892 11	3,164 20
Subdivision of Actuarial.....	14,718 33	8 70	143 09	204 04	94 25	.....
General.....				6,542 76	458 13	.....
<b>Bureau of Compensation—Branch Offices:</b>						
29 Broadway.....	4,495 69	258 51	157 90	38 23	.....	.....
171 Madison Av.....	5,771 50	151 55	159 43	44 73	33 00	.....
Bronx.....	5,091 66	72 79	148 00	47 55	45 25	.....
Brooklyn.....	5,812 23	42 02	170 80	38 03	8 00	.....
Poughkeepsie.....	4,565 85	854 83	72 95	47 26	64 00	11 00
Albany.....	19,847 00	1,383 25	1,327 16	1,142 43	3,469 24	.....
Syracuse.....	4,661 81	654 72	150 39	45 32	97 50	.....
Rochester.....	6,163 59	489 69	151 38	64 90	61 13	9 00
Buffalo.....	4,349 22	338 66	172 22	56 08	34 00	23 50
<b>Total.....</b>	<b>\$341,303 37</b>	<b>\$12,298 04</b>	<b>\$6,208 44</b>	<b>\$48,079 14</b>	<b>\$12,612 79</b>	<b>\$14,226 28</b>

## BUREAUS AND DIVISIONS

Rent	Bond-ing	Legisla-tive re-porting	Dun's sub-scrip-tion	Rent of vault	Inspec-tion ser-vi-ce	State Treas-urer's bond	Miscel-laneous	Total
.....	.....	.....	.....	.....	.....	\$16 00	\$35,426 15	
\$8,558 36	.....	.....	.....	.....	.....	.....	9,947 39	
.....	.....	.....	.....	.....	.....	.....	14,287 93	
.....	.....	.....	.....	.....	.....	63 72	176,642 10	
.....	.....	.....	.....	.....	.....	.....	19,053 31	
.....	.....	.....	.....	.....	.....	.....	29,130 05	
.....	.....	.....	.....	.....	.....	66 54	48,774 73	
1,977 50	.....	.....	.....	.....	.....	95 57	28,273 75	
400 00	.....	.....	.....	.....	.....	9 15	13,154 89	
.....	.....	.....	.....	.....	.....	.....	42,182 69	
.....	.....	.....	.....	.....	.....	.....	90 50	
.....	.....	.....	.....	.....	.....	284 07	24,902 70	
3,363 15	.....	.....	.....	.....	.....	.....	3,856 46	
.....	.....	.....	.....	.....	.....	202 15	21,357 58	
.....	.....	.....	.....	.....	.....	522 15	9,841 42	
\$14,299 01	.....	.....	.....	.....	.....	\$1,259 35	\$476,921 65	
.....	.....	.....	.....	.....	.....	.....	.....	
\$3,004 61	\$106 68	\$450 00	.....	.....	.....	\$85 61	\$61,311 39	
554 84	.....	.....	.....	.....	.....	76 01	14,250 61	
2,937 23	.....	.....	.....	.....	.....	219 83	28,513 79	
1,352 15	.....	.....	.....	.....	.....	32 59	19,095 62	
854 82	.....	.....	.....	.....	.....	25	11,449 85	
458 59	.....	.....	.....	.....	.....	.....	9,480 18	
5,977 15	.....	.....	.....	.....	.....	229 54	126,125 42	
1,107 41	.....	.....	.....	.....	.....	113 31	10,111 36	
3,781 83	.....	.....	.....	\$11,595 96	.....	390 28	92,654 28	
945 45	.....	.....	.....	.....	.....	.....	16,113 86	
.....	.....	.....	.....	.....	.....	1,328 53	8,329 42	
.....	.....	.....	.....	.....	.....	.....	.....	
700 00	.....	.....	.....	.....	.....	27 77	5,678 10	
595 00	.....	.....	.....	.....	.....	62 44	6,817 65	
600 00	.....	.....	.....	.....	.....	24 90	6,030 15	
900 00	.....	.....	.....	.....	.....	21 50	6,992 58	
525 00	.....	.....	.....	.....	.....	51 08	6,191 97	
2,000 00	.....	.....	.....	.....	.....	409 27	29,578 35	
686 64	.....	.....	.....	.....	.....	68 12	6,364 50	
640 00	.....	.....	.....	.....	.....	73 45	7,653 14	
700 00	.....	.....	.....	.....	.....	66 37	5,740 05	
\$28,820 72	\$106 68	\$450 00	.....	.....	\$11,595 96	.....	\$3,280 85	*\$478,732 27

## CLASSIFIED EXPENSES BY BUREAUS

BUREAU OR DIVISION	Salaries	Traveling	Telephone and telegraph	Stationery and printing	Furniture and fixtures	Stamps
<b>Industrial Commission:</b>						
Administration.....	\$31,658 32	\$6,516 04	\$229 60	\$1,022 00	\$386 03	\$242 57
Legal Division.....	10,520 04	1,140 78	92 70	250 22	68 00	74 31
Bureau of Secretary.....	11,861 65	67 65	218 35	243 07	138 60	130 49
Division of Cashier.....	7,400 36	.....	48 32	254 65	41 00	494 21
Division of Accounts.....	5,174 64	39 15	41 79	4 15	.....	.....
Bureau of Compensation.....	2,312 50	.....	97 50	.....	10 22	.....
Division of Claims.....	33,051 19	313 61	153 93	3,933 33	375 98	2,746 87
Subdivision of Medical.....	4,414 17	134 33	39 70	27 65	57 75	19 34
Division of State Insurance Fund.....	32,760 88	1,277 89	227 01	1,750 56	282 59	1,220 33
Subdivision of Actuary.....	6,057 50	11 25	29 63	13 00	28 00	.....
Bureau of Compensation—Branch Offices:						
29 Broadway.....	400 00	.....	15 60	.....	.....	.....
171 Madison Av. ....	3,352 70	90 82	138 05	.....	6 50	.....
Bronx.....	387 50	4 45	15 85	.....	.....	.....
Brooklyn.....	2,982 49	43 30	89 90	.....	6 50	10 00
Poughkeepsie.....	487 50	39 97	16 66	.....	.....	.....
Albany.....	10,454 52	281 14	513 08	48 35	125 00	750 00
Syracuse.....	2,598 82	236 48	42 50	70	6 50	17 00
Rochester.....	3,564 51	417 79	116 43	6 40	11 50	60 00
Buffalo.....	1,523 53	90 36	81 51	.....	10 00	6 00
1,549 98	330 06	126 26	.....	.....	.....	.....
Bureau of Inspection						
Division of Factory Inspection.....	70,987 85	12,309 25	.....	3,005 50	954 93	151 67
Division of Homework Inspection.....	7,450 00	1,448 78	.....	268 86	.....	.....
Division of Mercantile Inspection.....	10,739 98	2,270 01	.....	1,544 16	171 90	.....
Division of Industrial Hygiene.....	21,859 66	4,261 67	.....	134 08	10 00	.....
Bureau of Industries and Immigration.....	11,612 94	2,403 07	120 25	382 43	30 40	12 00
Bureau of Mediation and Arbitration.....	4,150 38	925 58	.....	153 50	5 00	.....
Bureau of Statistics and Information.....	19,421 54	952 83	.....	2,774 42	660 00	2 18
Bureau of Fire Hazards, Boilers and Explosives.....	3,448 83	1,978 29	.....	239 21	132 84	.....
Bureau of Employment.....	12,821 25	157 28	415 66	847 08	411 88	53 66
Bureau of Printing and Publications.....	2,020 00	29 85	.....	26 90	45 29	19
Bureau of Industrial Code.....	1,952 44	150 16	.....	59 00	.....	.....
General.....	.....	3 60	1,113 14	6,167 80	575 03	1,987 37
Total.....	\$338,757 67	\$37,975 44	\$3,883 90	\$23,254 52	\$4,541 22	\$7,988 41

\* Includes \$250 in a petty fund not assigned by bureaus or divisions.

## REPORT OF THE INDUSTRIAL COMMISSION, 1915 37

## AND DIVISIONS—(Continued)

Rent	Bonding	Legislative reporting	Dun's sub- scription	Rent of vault	Inspection service	State Treasurer's bond	Miscel- laneous	Total
\$2,466 69	\$600 00					\$216 60	\$43,337 85	
455 50						68 75	12,670 30	
2,411 38			\$220 00			122 49	15,211 68	
1,110 08				\$415 00		31 28	9,794 90	
701 78						2 65	5,964 16	
376 49							2,796 71	
4,651 43						33 75	45,260 09	
.....						17 16	4,710 10	
1,727 49					\$5,284 81	\$500 00	184 36	45,215 92
431 87							3 50	6,574 75
.....								
300 00						10 67	726 27	
340 00						23 70	3,951 77	
75 00						1 19	483 99	
400 00						13 00	3,525 19	
75 00						67 34	686 47	
1,450 00						389 59	14,011 68	
343 32						30 45	3,325 77	
400 00						16 66	4,593 29	
512 00						68 17	2,291 57	
3,114 97							5,121 27	
.....						28 83	87,438 03	
.....							9,167 64	
.....							14,726 05	
.....						57 71	26,323 12	
1,182 50						51 75	15,795 32	
150 00						3 50	5,387 96	
.....						12 32	23,823 29	
.....							5,799 17	
1,670 00						405 53	16,782 34	
.....						17 11	2,139 34	
.....						3 00	2,164 60	
.....						1,333 96	11,180 90	
\$24,345 50	\$600 00		\$220 00	\$415 00	\$5,284 81	\$500 00	\$3,215 02	\$450,981 49

EXPENSES OF ADMINISTERING THE COMPENSATION LAW FOR YEAR ENDED  
SEPTEMBER 30, 1915

Expenses of Workmen's Compensation Commission to May 31, 1915.....	\$478,732 27
Expenses of Industrial Commission from June 1 to September 30, 1915, chargeable to Compensation Law:	
Administration*.....	\$21,668 93
Legal Division*.....	6,335 14
Bureau of Secretary*.....	7,605 84
Division of Cashier*.....	4,897 45
Division of Accounts*.....	2,982 08
Bureau of Compensation.....	2,796 71
Division of Claims.....	45,260 09
Subdivision of Medical.....	4,710 10
Division of State Insurance Fund.....	45,215 92
Subdivision of Actuary.....	6,574 75
Bureau of Compensation — Branch Offices:	
29 Broadway.....	726 27
171 Madison Avenue.....	3,951 77
Bronx.....	483 99
Brooklyn.....	3,525 19
Poughkeepsie.....	686 47
Albany.....	14,011 68
Syracuse.....	3,325 77
Rochester.....	4,593 29
Buffalo.....	2,291 57
	181,643 01
	<hr/>
	\$660,375 28

## RECOMMENDATIONS AND SUGGESTIONS OF THE STATE INDUSTRIAL COMMISSION FOR AMENDMENTS TO THE WORKMEN'S COMPENSATION ACT.

The Commission recommends the following amendments to the Workmen's Compensation Act:

## ARTICLE 1 — SECTION 2

- Group 2. After the word "Construction" insert the word *repair*.
- Group 7. After the word "Construction" insert the words *or repair*.
- Group 8. After the word "Company" add *marine wrecking*.
- Group 11. After the word "Construction" insert *or repair*.
- Group 12. After the word "installation" insert *repair*.
- Group 13. After the word "paving" insert the words *road building, curb and sidewalk construction or repair*.  
After the words "subway construction" insert the words *or repair*.  
Add *street cleaning, garbage or stone removal; operation of water works*.
- Group 14. After "saw mills" insert *bark mills*.  
After "lath mills" insert *lumber yards*.  
Before the word "stave" insert *barrels, kegs, vats, tubs*.

\* Fifty per cent of the total expenses of these divisions is charged to the Compensation Law.

Group 17. After the words "wooden toys" insert the word *wooden*.  
After the word "baskets" add *cork cutting*.

Group 18. Add *oil wells*.

Group 19. After the words "terra cotta" insert *asbestos*.  
Add *stone crushing or grinding*.

Group 21. Add *machine shops, including repairs*.

Group 22. After the word "boilers" insert *freight and passenger elevators*.  
After the word "groups" add *window cleaning, heating and lighting; operation of threshing machines, cider mills, ensilage cutters, hay presses and evaporators*.

Group 23. Substitute the word *screws* for "screens."  
After the word "buttons" add *jewelry; gold, silver and plated ware; articles of bone, ivory and shell*.

Group 24. Add *blacksmiths; horse-shoers*.

Group 25. Add *ice harvesting, ice storage and ice distribution*.

Group 26. After the word "printing" insert *and other*.

Group 27. Add *bottling*.

Group 28. After "garbage" insert *or sewage*.  
Add *junk dealers*.

Group 29. After "storage" add *of all kinds and storage for hire*;

Group 30. Amend to read as follows:  
*Meat markets, packing houses, abattoirs, manufacture or preparation of meats, or meat products or glue, gelatine, paste or wax; oil wells*.

Group 32. Before "manufacture of," etc., insert *furriers*;

Group 33. After "sugar refineries" add *manufacture of dairy products*.

Group 38. After "robes" add *or other articles from textiles or fabrics*.

Group 40. After "printing" insert *engraving*.  
After "embossing" insert *manufacture of moving picture machines and films*;

Group 41. After "mules" add *public garages, livery, boarding or sales stables; movers of all kinds*.

Group 42. After "steel building and bridge construction" insert *or repair*.  
After the word "installation" insert *or repair*, making it read "*installation or repair of elevators*."  
After the word "painting" insert the word *papering*.  
After the word "renovating" insert *picture hanging*.  
After the word "building" strike out "and."  
After the word "bridges" insert *and other structures; salvage of buildings or contents*.  
After the word "sanitary" insert the word *lighting*.  
After the word "heating" strike out "engineering."  
After the word "installation" insert *or repair*.

**Add Group 43.** *Any service to the state or a municipal corporation or other subdivision thereof, notwithstanding the definition of the term "employment" in subdivision five of section three.*

**ARTICLE 1 — SECTION 3**

Strike out the words "who is engaged in a hazardous employment" and the words "the same" and insert in place of the latter the words *a hazardous employment*; so that the definition shall read as follows:

Subdivision 4. "Employee" means a person in the service of an employer carrying on or conducting a hazardous employment upon the premises or at the plant or in the course of his employment away from the plant of his employer; and shall not include farm labor or domestic servants.

NOTE.—The proposed amendment would cover employees called in to do construction or repair work as in the Bargey case, and also clerical office employees and others who are not definitely and clearly included within the scope of the act at the present time.

**ARTICLE 1 — SECTION 3**

Add to Subdivision 11 and *a step-child dependent upon the deceased*.

Add a new subdivision:

13. "Manufacture," "construction," "operation" and "installation" include repair, demolition and alteration.

**ARTICLE 2 — SECTION 11**

Amend section 11 so as to provide that where an employer has complied with the Compensation Law by securing the payment of compensation to his employees he shall not be liable to an action for damages by a representative or next of kin of a deceased employee for any cause.

NOTE.—The Appellate Division, in the case of Shinnick vs. Clover Farms, has held that damages at common law may still be recovered for disfigurement in the case where plaintiff's ear was amputated without regard to the impairment of earning power; and the Supreme Court, Special Term, Erie county, in the case of Shannahan against Monarch Engineering Co., has held that damages may be recovered at common law by the next of kin of the deceased where the injury results in death and where there were no dependents within the meaning of the Compensation Act.

We recommend that paragraph 11 of Article 2 be so redrafted as to cover these points and relieve an employer who is insured under the Compensation Law from any liability other than the payment of compensation.

We also recommend that this section be amended to prohibit an action to recover damages by a parent for the loss of services of a minor who has received compensation, and by a husband for loss of wife's services in a similar case.

**ARTICLE 2 — SECTION 12**

The Commission recommends the amendment of section 12 in such wise that where the injury incapacitates the workman for a period more than four weeks, compensation shall relate back to the date of injury.

**ARTICLE 2 — SECTION 13**

13. Treatment and care of injured employees.

NOTE.—This section is so ambiguous that controversies are constantly arising as to whether an injured employee is permitted to select his own physician at the expense of the employer or whether he must accept the physician designated by the employers on pain of paying the bill himself. The law in this

respect should be made definite and clear. The law should also be made clear as to whether the word "apparatus" includes replacement of amputations with artificial members.

#### ARTICLE 2 — SECTION 15

We recommend that section 15 be so amended as to authorize an award for the loss of thumb, finger, toe or phalange, where there is actual loss of use; and also that subdivision 5 of section 15 be so amended that compensation payable under subdivision 4, together with the decreased wages, shall not exceed the wages which the injured workman was receiving prior to the injury.

We also recommend that section 15 be further amended by adding subdivision 7, as appears in the recent Argetsinger bill of 1915 (print No. 1986), as follows:

*7. Permanent total disability after permanent partial disability. If an employee who has previously incurred permanent partial disability through the loss of one hand, one arm, one foot, one leg or one eye, incurs permanent total disability through the loss of the other member or organ, he shall be paid, in addition to the compensation for permanent partial disability provided in this section and after the cessation of the payments for the prescribed period of weeks, special additional compensation for the remainder of his life to the amount of sixty-six and two-thirds per centum of the average weekly wage earned by him at the time the total permanent disability was incurred. Such additional compensation shall be paid out of a special fund created for such purpose in the following manner: The insurance carrier shall pay to the state treasurer for every case of injury causing death in which there are no surviving dependents the sum of one hundred dollars. The state treasurer shall be the custodian of this special fund.*

The Commission recommends a further amendment to section 15 in substantially the following words: In case of an injury resulting in disfigurement the Commission may, in its discretion, make such award or compensation as it may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed \$3,500.

#### ARTICLE 2 — SECTION 16

*Add to subdivision 2: The Commission may, in its discretion, require the appointment of a guardian for the purpose of receiving the compensation of a minor child.*

We recommend that subdivision 4 of section 16 be amended so that the liability for the payment of compensation to dependent parents, grandparents, grandchildren or brothers, and sisters under the age of 18 years, where there is no surviving wife or child, will clearly appear.

#### ARTICLE 2 — SECTION 23

We recommend that section 23 be amended in the following respects:

- 1st. By reducing the time within which to appeal to 20 days.
- 2nd. To permit the certification of questions of law where the claim for compensation is made against the State Fund.

3rd. To authorize appeals direct from the order of the Appellate Division to the Court of Appeals as a matter of right where the decision of the Appellate Division is not unanimous and only upon consent of the Appellate Division or a judge of the Court of Appeals where the decision of the Appellate Division is unanimous.

Also allowing the Commission to appeal to the Court of Appeals without the necessity of filing a bond.

To make it unnecessary to file exceptions to the rulings of the Commission.

#### ARTICLE 2 — SECTION 26

We recommend that this section be so reframed that the awards of the Commission may be docketed in the county clerk's office in a manner similar to judgments and thereupon become liens upon real estate, to be followed by execution to the sheriff, as in case of judgments of the court.

NOTE.—Heretofore it has been necessary before an award could be collected, enforced or become a lien on property, to go through the entire proceedings of a law suit and procure a docketed judgment. Up to the present time the Commission has been compelled to commence more than 800 suits of this character, principally against employers who have refrained from insuring.

Under this section the power of this Commission to institute an action against an uninsured employer is surrounded with considerable doubt. If the last preceding suggestion relative to making the awards of the Commission equivalent to judgment is not adopted, section 26 should be so amended as to relieve this doubt.

#### ARTICLE 2 — SECTION 27

This section should be so amended as to make it clear that the funds paid in shall constitute an aggregate trust and shall be kept separate and apart from the other moneys of the State Fund.

#### ARTICLE 2 — SECTION 34

Section 34 should be so amended that the "award" of compensation should have preference and lien as well as the "right" of compensation, as provided in the section at the present time.

#### ARTICLE 3 — SECTION 50

Strike out the following from the end of subdivision 2 of section 50, "a copy of the contract or policy of insurance," and insert in lieu thereof, *such information regarding the policies as the Commission may require.*

The Commission recommends that the following be added to subdivision 3 of section 50: The Commission shall have the authority to revoke its consent furnished under this section at any time, in its discretion.

#### ARTICLE 3 — SECTION 52

The Commission recommends that section 52 be amended to read as follows: Failure to secure the payment of compensation shall constitute a misdemeanor and shall have the effect of enabling the injured employee, or, in case of death, his dependents, legal representatives, to maintain an action for damages in the courts, as prescribed by section 11 of this chapter.

## ARTICLE 3 — SECTION 54

The Commission recommends an amendment to subdivision 4 of section 54, by adding the following: But this limitation shall not apply to policies covering employers insured in the State Fund.

NOTE.— This recommendation is made in order to permit insurers in the State Insurance Fund to secure other insurance for general liability in case the Commission's recommendation giving the State Fund the right to make such coverage is not possible.

Subdivision 5 of this section, relating to the cancellation of insurance contracts, should be amended as provided in the Argetsinger bill (print No. 1986), so that it will clearly appear that the contract may be cancelled after ten days' notice to the Commission. The wording of the present subdivision is ambiguous.

The words "stock company or mutual association" should be stricken out, and the words *and insurance carrier* should be substituted in lieu thereof, giving the State Fund, as well as stock companies and mutual associations, right of cancellation.

NOTE.— The act in its present form makes no provision for cancellation of a policy by the State Fund. The consequence is that a vast number of policyholders are in default in the payment of their second and third installments of premiums. The only remedy thus far available is by suits to collect the premium, and these have been far from encouraging in their result.

## ARTICLE 5 — SECTION 90

The Commission recommend an amendment to section 90 allowing the State Fund to insure its policyholders not only against the payment of compensation, but also for all liability at common law to its employees or the general public. The following is suggested as an amendment to the section: After the words, "the compensation provided by this chapter" insert *State Insurance Fund shall also have authority to insure any of its policyholders against loss or damage resulting from accident to or injury suffered by an employee or other person and for which the person insured is liable.*

NOTE.— One of the objections made by the stock and mutual companies against insuring in the State Fund, in soliciting business, is that they can give perfect coverage for all liability, whereas the State Fund can only cover for compensation. The purpose of this amendment is to enable the State Fund to provide complete coverage for all liability.

## ARTICLE 5 — SECTION 97

The Commission recommend an amendment to section 97 providing for the payment of an earned dividend at the dividend period to an employer who has withdrawn from the State Fund.

NOTE.— The present act provides that dividends declared shall be credited on the next premium and does not specifically give the right to have the premium returned by way of dividend in case of withdrawal from the Fund. The following is suggested as an amendment: Insert at the end of paragraph 3, section 97, the words *in the event of the withdrawal of any member of the group who would be entitled to such dividend if he had remained in the Fund the Commission is empowered to pay the amount of the dividend to such employer.*

The Commission recommend amending section 97 by striking out the words in paragraph 4 "period of 6 months" and substituting in lieu thereof *period of 12 months*.

NOTE.—The object of this amendment is to relieve the State Fund from the present burdensome and expensive semi-annual accounting and substituting therefor, the usual annual basis for such sum.

The Commission also recommend a further amendment to section 97 so as to provide that the payment of additional premiums be made to the State Insurance Fund instead of to the State Treasurer.

#### ARTICLE 5 — SECTION 100

Section 100 should be so amended that it will clearly appear that the employer in the State Fund is required to give 30 days' notice of his intention to withdraw.

An amendment is suggested authorizing the Commission to adopt an equitable method for apportioning dividends among employers constituting any group in the State Insurance Fund.

The Commission also recommend an amendment to the law providing for the addition of a small percentage as "loading" for expenses in case of payment into the State Fund of the present value of death and liability cases.

NOTE.—The reason for this recommendation is that these commuted amounts when called into the State Fund, will, as the years go on, reach very large proportions. Many of them will run over periods of many years, calling for a large amount of clerical force in the way of bookkeeping and actuarial assistants in the way of readjusting payments, which will be, as time goes on, a very considerable expense. It is felt that some provision should be made for this expense and that a small percentage of loading be added for that purpose, and it be definitely stated in the statute where the money for such loading shall be placed, where it can be used for expenses without direct appropriation from the Legislature, and may not be mingled with the Trust Fund, where it might be in danger of being tied up.

The Commission recommend that wherever in the Workmen's Compensation Act the words "State Workmen's Compensation Commission" occur they be changed to *State Industrial Commission*.

### RECOMMENDATIONS AND SUGGESTIONS BY THE STATE INDUSTRIAL COMMISSION FOR AMENDMENTS TO THE LABOR LAW

#### ARTICLE 1 — SECTION 2

In Article I, under the definition of factory-work for a factory, change the words, "where one or more persons are employed at labor" to *where five or more persons are employed at labor*, and strike out the words "except dry dock plants engaged in making repairs to ships." Add at the end of the paragraph giving the definition of a factory the words, *the provisions of this chapter in respect to guarding of machinery and the hours of labor for women and minors and the one day of rest in seven law shall apply* (to wit, section 8-a of this chapter), *to all mills, workshops or other manufacturing (or business establishments and all buildings, shops, structures,) or other places used for or in connection therewith, where one or more persons are employed at*

*labor. Dry dock plants engaged in making repairs to ships shall be held to be factories so far as the law pertaining to the guarding of machinery and the regulating of hours of labor for women and minors is concerned.*

Add to the definition of "mercantile establishment" in section 2 the words and shall include any building, shop or structure, or any part thereof, that is occupied in connection with such establishment.

#### ARTICLE 2 — SECTION 8-A

The Commission recommends that the first sentence in subdivision 1 be amended to read as follows: Every employer of labor engaged in carrying on any factory or mercantile establishment shall allow every person except those specified in subdivision 2, and as otherwise herein provided, employed in or in connection with such factory or mercantile establishment, at least 24 consecutive hours rest in every calendar week.

#### ARTICLE 2 — SECTION 21

Amend section 21 to read as follows:

The Commissioner of Labor shall enforce all the provisions of this article. He shall investigate complaints made to him of violations of such provisions and if he finds that such complaints are well founded, he shall present to the district attorney of the proper county all the facts ascertained by him in regard to the alleged violations, and all other papers (remainder of section as heretofore).

NOTE.—The above amendment, which leaves out the following words:

"he shall issue an order directed to the person or corporation complained of, requiring such person or corporation to comply with such provision. If such order is disregarded, the commissioner of labor "

will greatly facilitate the enforcement of the provisions of this article in that it will do away with delays and make possible the prompt enforcement of the provisions of the law. It is highly desirable that this change be effected, as the Commission will be able to enforce more thoroughly and promptly the provisions of the article.

If, however, the above proposition is not adopted, it is essential that an amendment to section 8-a of Article 2, as follows, should be enacted:

#### ARTICLE 2 — SECTION 8-A

Transfer section 8-a to Article 6, redrafting it so that no reference to mercantile establishments be made in it. Then add a similar section to Article 12, without reference to factories, but applying purely to mercantile establishments.

NOTE.—Section 8-a.—The One Day of Rest in Seven Law affects employees in both factories and mercantile establishments.

It is desirable that the provisions be made mandatory, and the placing of the said section in Article 6 and Article 12, as outlined, gives that effect, and at the same time removes the objection that its appearance in either one of the articles is a misplacing because of its affecting both kinds of establishments. Article 6, it is to be noted, is the "factory" section and Article 12 the "mercantile" section.

The enactment of the proposed change in section 21, however, will effect the desired improvement in a much simpler manner.

#### ARTICLE 2 — SECTION 24

Amend this section to read:

“A corporation, *joint stock association, or person* engaged in the business of operating a mercantile establishment, *by leave or otherwise*, shall not by deduction,” etc. (Balance of section changed to correspond.)

NOTE.— It is desirable to give the benefits of section 24 to employees of joint stock associations, or firms or persons, as well as corporations.

Further, the proposed insertion harmonizes with the language used in section 11 of Article 2.

#### ARTICLE 3

Section 52-a. Variations. (Chap. 719 of Laws of 1915.)

Section 52-a. Review by Commission. (Chap. 674, Laws of 1915.)

Section 52-b. Review by court. (Chap. 674, Laws of 1915.)

Section 52-c. Limited review of provisions of chapter and of rules, regulations and orders. (Chap. 674, Laws of 1915.)

Section 52-d. Variations. (Chap. 674, Laws of 1915.)

Repeal sections 52-a, 52-b, 52-c of chapter 674 of the Laws of 1915 (section 52-d, chapter 674, of the Laws of 1915 was superseded by section 52-a — Variations, being chapter 719 of the Laws of 1915), and amend section 52-a of the Labor Law, to read as follows:

52-a. Variations.— 1. If there shall be practical difficulties or unnecessary hardship in carrying out any provision of this chapter, or rule, or regulation, adopted by the State Industrial Commission thereunder, the Industrial Commission shall have power to make a variation from such requirements if the spirit of the provision or rule or regulation shall be observed and public safety secured. Any person affected by such provision, or rule, or regulation, or his agent, or attorney, may petition the said Industrial Commission for such variations, stating the grounds therefor. The Commission shall fix a day within a reasonable time for a hearing on such petition, if in its judgment it is deemed necessary, which shall be public, and give notice thereof to the petitioner, who may appear in person, or by agent, or attorney.

2. The petition shall be verified and filed with the Commission and shall state in full detail:

a. The rule, regulation, or order upon which the hearing is desired.

b. The issues to be considered by the Commission on the hearing.

c. The interest of the petitioner in the property involved.

d. The name and address of the owner of the property and such other information as the Commission may prescribe.

e. The petitioner shall be deemed to have waived all objections to any irregularities or illegalities in the rule, regulation or order upon which a hearing is sought, other than those set forth in the petition.

3. The decision of the State Industrial Commission, whether granting or denying the application, shall be in the form of a resolution, and shall be final. At least three affirmative votes shall be necessary for the adoption of such resolution, and such resolution shall contain a description of the conditions

under which such variation shall be permitted. A similar variation shall be granted by the Commission upon such a petition to all buildings, installations or conditions where it is shown by the petitioner that the facts are substantially the same as those stated in the original variation.

4. A record of all such variations shall be kept in the office of the State Industrial Commission and shall be properly indexed under section numbers of the law or industrial code to which each variation applies and shall be open to public inspection during business hours.

5. The powers conferred upon the Commission shall be subject to the requirements of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein.

NOTE.—The above proposed amendment covers the general provisions of the sections involved, except that it omits the provisions for review by court, as set forth in sections 52-b and 52-c.

The position of the Commission, with the changes above outlined, will be greatly strengthened, and the fertile field of delay now open to those wishing to avail themselves of it, through appeal to the courts in civil proceedings, will be closed. No right, which is inherently in the individual, will in any way, shape or manner be denied by the change proposed. Appeal for relief from any order deemed proper subject for variation or relief is left open in full to the individual, and the judgment of a Commission expert upon such matters is rightfully made final. The review by court is still open to any individual desiring it, as in the event of failure to comply with the decision of the Commission, and, therefore, with the orders involved, and a prosecution and conviction following, the right of appeal is always in the defendant.

#### ARTICLE 4 — SECTION 57

Provide that the Homework Division be in charge of the *Chief* of the Homework Division.

#### ARTICLE 6 — SECTIONS 79-a, 79-b, 79-c

Amend the opening words of each one of these three sections by the insertion of the words "*or permitted*" after the words "no factory shall be conducted." The reading will then be, in effect, at the opening of each of the three sections enumerated:

No factory shall be conducted or permitted, etc.

NOTE.—This amendment is desirable in order to place more clearly the absolute responsibility of the owner as to the provisions of these sections, it being shown by section 94 of the Labor Law that the intent of the Legislature was to make the owner responsible for such structural changes. It is further believed that this will materially strengthen the Commission in the enforcement of these sections looking to structural improvements tending to reduction of fire risks in factory buildings.

#### ARTICLE 6 — SECTION 79-c

Add to subdivision 1, after the word "roof," changing the period to a comma, these words:

whenever safe egress may be had from the roof to an adjoining or nearby structure.

NOTE.— This change is suggested in order to bring about conformity with a similar requirement in section 79-b, where it is provided that required exits shall be extended whenever safe egress may be had to an adjoining or nearby structure.

#### ARTICLE 6 — SECTION 79-e-10

Strike out the words "stair hall and," making the sentence read:  
Every such notice shall be posted in a conspicuous place in every workroom.

#### ARTICLE 6 — SECTION 83-b

Amend this section to read:

"In every factory building *six or seven stories in height, in which combustible materials are manufactured, and in every factory building over seven stories in height, or over 90 feet in height, in which wooden flooring or wooden trim,*" etc. (Balance of section unchanged.)

NOTE.— The object of this change is to bring about harmony with the requirements of the law and the Industrial Code rules in respect to buildings in which combustible materials are manufactured and to leave no hiatus between the requirements of the law and the rule.

#### ARTICLE 6 — SECTION 90

Amend this section to read:

"The Commissioner of Labor, or other competent person designated by him, upon request, shall examine any factory outside of the City of New York." (Balance of section unchanged.)

#### ARTICLE 12 — SECTION 174

Add a new section to Article 12, relating to mercantile establishments, numbering it section 174, as follows:

"The owner of the building in which a mercantile establishment is conducted shall be responsible for the observance, and punishable for the non-observance, of the following provisions of this article, anything in any lease to the contrary notwithstanding, namely: The provisions of sections 168, 168-a, 168-b, 168-c, 168-e, 168-f; except that the lessee or tenants conducting the mercantile establishment shall also be responsible for the observance and punishable for the non-observance within their respective holdings, of the provisions of sections 168, 168-a, 168-b, 168-d and 168-e, and subdivision 7 of section 168-e. Except as in this article otherwise provided, the person or persons, company or corporation, conducting or operating a mercantile establishment, shall be responsible for the observance and punishable for the non-observance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

NOTE.— It is highly important that this section be enacted and added to Article 12. The form in which it is drafted follows the measure as introduced in the Recodification measure last year by the New York State Factory Investigating Commission.

As the law now stands, the responsibility for the sections enumerated, which relate to cleanliness, sanitation and structural changes, is lodged nowhere.

## PENAL LAW

Amend section 1275 of the Penal Law by making the penalty an out and out misdemeanor, except that the minimum penalties now established for a first, second and third offense be retained. This also will necessitate the striking out of the maximum penalties recited for the three grades of offense.

NOTE.—The above change is highly desirable in order to give to the courts greater power in the matter of punishment in flagrant cases. Criticism of the law has frequently been made by the courts, to the effect that the maximum penalty permitted in such matters as fire hazards and locked doors is altogether inadequate and should be increased.

## GENERAL

1. Add to the Labor Law a new section providing that any violation of a provision of the Labor Law, or failure to comply therewith, shall be punishable also by a civil penalty of not less than \$250 in each instance, to be sued for by the State Industrial Commission in its name of office.

NOTE.—The enactment of such a measure will enable the Commission to reach parties who are responsible but who, owing to residence in other states or countries, cannot be reached by criminal process.

2. Amend the charter of the city of Rochester in relation to the powers of the Police Court, so that it may have power to hear and determine actions against corporations without making it necessary to transfer the same to the grand jury.

3. Amend the General Business Law, section 392-a, in relation to marking mattresses.

NOTE.—The enforcement of this section of the General Business Law is placed upon the State Industrial Commission. The section requires redrafting, as at present successful prosecution under the same is impossible. A measure of this kind was introduced in the session last year, toward the close of the session.

4. Enact a new section, incorporating the same in Article 2 of the Labor Law, as follows:

It shall not be lawful for any owner of a factory building, or occupant thereof, against which orders of the Industrial Commission issued pursuant to provisions of the Labor Law, in relation to fire hazards or sanitation, shall have been uncomplied with for a period of sixty days following issuance, to further use or permit the use of such building for factory purposes.

NOTE.—The enactment of this section is highly desirable, in order to give the Industrial Commission power to protect the lives of factory workers by vacating of a building, if necessary, where such orders are steadfastly neglected by the responsible parties.

5. It is recommended that chapter 321 of the Laws of 1915, being an amendment to section 8-a of the Labor Law, be re-enacted, it having been held by the Attorney-General that this chapter was inadvertently repealed by the later chapter 648 of the Laws of 1915.

**ARTICLE 12 — SECTION 161 — SUBDIVISION 2**

Amend this section so as to read as follows:

No female employee over the age of sixteen years shall be permitted, required or suffered to work in or in connection with any mercantile establishment or *restaurant* more than six days or fifty-four hours in any one week, or more than nine hours in any one day, except that one day in each week may be longer than nine hours for the purpose of making one or more shorter work days in the week; or before seven o'clock in the morning, or after ten o'clock in the evening, of any day. This section does not apply to the employment in *mercantile* establishments of persons sixteen years of age. (Balance of section unchanged.)

**ARTICLE 12 — SECTION 161 — SUBDIVISION 3**

Change the word "twenty" to *thirty* in third sentence.

**ARTICLE 12 — SECTION 161-a — HOURS OF LABOR OF MESSENGERS**

Amend this section by omitting "in cities of the first and second class" and have section read:

No person under the age of twenty-one years shall be employed or permitted to work as a messenger. (Balance of section unchanged.)

**ARTICLE 12 — SECTIONS 160, 167, 168, 168-a, 168-b, 168-c, 168-e, 169, 170, 171, 172, 173**

The Commission suggests that attention be directed to the foregoing sections with reference to the general proposition of extending the application of these sections beyond cities of the first and second class.

The Commission respectfully directs attention to the fact that some of the sections above referred to contain the words "Commissioner of Labor," and believes that where they appear it would be well to have them changed to read "State Industrial Commission."

Section 48 of Article 3 of the Labor Law is hereby recommended to read as follows:

Section 48. Counsel.— The Commission may appoint and at pleasure remove as counsel to the Commission, an attorney and counsellor at law of the State of New York, who shall represent the Department of Labor or the Commission and take charge of and assist in the prosecution of actions and proceedings brought by or on behalf of the Commission or the Department, and who shall generally act as legal advisor to the Commission. Such counsel shall receive an annual salary of \$6,000. The Commission may appoint, and at pleasure remove, not exceeding three such attorneys and counsellors at law to assist the counsel in the performance of his duties *as may be necessary in its discretion* and may fix their compensation within the limits of the annual appropriations provided therefor.

NOTE.— The reason for this proposed amendment is that the Commission finds its legal staff utterly insufficient to cope with the enormous amount of litigation which is constantly coming upon the Commission, both in prosecuting the thousands of violations of the Labor Law throughout the sixty-two counties

of the State and in prosecuting employers under the Compensation Act for non-insurance, the collection of awards, the preparation of the records on appeal and the innumerable other legal matters which require the attention of counsel from day to day in the working of the Compensation Law. The Commission feels that the criticism made of its legal department growing out of the Diamond factory fire in Williamsburg is directly traceable to the fact that it had but a comparatively small portion of the legal force which it requires to attend to its legal affairs.

#### SUGGESTIONS FOR REVISION OF ARTICLE 9 OF THE LABOR LAW

BY GUSTAV WERNER, TUNNEL INSPECTOR

- Sec. 119. Add after the word "tunnels," and subways, and all work constructed under artificial air pressure.
- Sec. 123. Substitute word *explosives* for the word "powder."
- Sec. 128. Add after the words "in all mines" the words *or tunnels*.
- Sec. 131. Add after the word "mine" in each sentence, *quarry, tunnel or underground construction work in this state*.
- Sec. 132. Eliminate the word "trapdoors" and substitute *openings shall be suitably protected*.
- Sec. 134-a. Substitute *twenty-two pounds* for "twenty-one pounds." Substitute for the words "thirty-six pounds," wherever they appear in the compression tables, the words *thirty-five pounds*.
- Sec. 134-b. Add to subdivision (h) *Such lock shall be at least five and one-half feet in height, and shall have telephone connection with the outside.*



**Part II**  
**REPORT OF BUREAU OF INSPECTION**

[53]



**(1) REPORT OF THE FIRST DEPUTY COMMISSIONER  
(IN CHARGE OF BUREAU OF INSPECTION)**

*To the Industrial Commission:*

To the report herewith submitted are appended the reports of the chiefs of the several divisions of the Bureau of Inspection, together with statistical tables showing in detail the work accomplished by each division.

It seems needless to review at length the reports of divisions, except to call attention to such features of their work as need to be emphasized, in order that the law may be strengthened and the highest standard reached in its enforcement.

On assuming the duties of First Deputy Industrial Commissioner, July 16, 1915, I found we had reached that season of the year when the Department's employees were allowed their vacation period, namely, July and August, and we had a little over two months in which to complete the work of the fiscal year. It was very evident that any changes to be made in the method of performing or reporting the work of the inspection force, would of necessity have to be made effective October 1, 1915, the beginning of the fiscal year. Such changes as were deemed necessary were accordingly made to apply at the beginning of the 1916 fiscal year.

**FACTORY INSPECTION**

I feel that it is necessary to call the attention of the Commission to the difficulties encountered by the Division of Factory Inspection, relative to structural changes in factory buildings, in order to provide proper exits and other requirements for the protection of the factory workers in case of fire, as set forth in sections 79-a, 79-b, 79-c, 79-d, 79-e, and 79-f of Article 6. The enforcement of the provisions of these sections have imposed increased duties on the inspection force. The property owners are reluctant to comply, and they have, since the application of these provisions of the law to factories of the state, made numerous appeals from the orders

issued, which resulted in delay until the appeal could be acted upon.

There have been many requests that inspectors visit the premises to which structural orders apply for the purpose of explaining what will be acceptable to the Department. It is also necessary to visit the premises a number of times in order to ascertain whether the work under construction is being carried out in conformity with the provisions of the law and the Industrial Code.

During the fiscal year 1914, it was deemed advisable to print on the notice on which orders are issued by the Department, the following:

IMPORTANT.—If you believe these orders are unreasonable or unnecessary, and you desire to have them changed, modified or waived, you are not required to employ or retain a lawyer, architect, engineer, building expert or fire prevention expert. Make written protest within five days to the Commissioner of Labor, when, if the facts justify, a re-inspection will be made and such action taken as the later inspection warrants.

After a trial of more than a year, it was clearly demonstrated that a statement of this character had a strong tendency to invite those who received notice of orders to appeal from the orders issued instead of complying with them, and actually resulted in a large number of appeals, each appeal necessitating a re-inspection of the premises. For this reason the statement was eliminated from the new form of notice of orders to be used beginning October 1, 1915, and in the short period from that date to the writing of this report, the beneficial results of the change are clearly visible.

In many instances a second appeal has been made after a decision has been rendered on the first appeal. This has necessitated repeated inspections on appeals and numerous visits to such premises to explain the necessary changes, in order to secure compliance with the law, and in most instances the owners, agents or lessees of the property were reluctant to proceed with the construction work necessary to comply with the orders of the Department until they were notified by counsel or summoned to court for their failure to make the changes necessary in their buildings.

The provisions of section 52-a, chapter 719, Laws of 1915, and sections 52-a, 52-b, 52-c, chapter 674, Laws of 1915, provide that

variations and modifications from the provisions of the law may be granted, and this right to request a variation and modification has resulted in many being made and a number of them were relative to orders which were the basis of appeals acted on by the former Appeal Bureau, all of which tend to delay enforcement. Under the present law we have had many instances where we have sent counsel a letter fixing final date of compliance, or we have begun prosecution, and the defendant has made request for variation or modification, and in this way has stayed the prosecution.

Any person should have the right to appeal to the Commission where practical difficulties or unnecessary hardships exist, but the law should be changed so as to prevent property owners, agents or lessees from delaying the enforcement of the law. There should be a time limit in which all requests for variations or modifications can be made, after the date on which orders are issued, and the decision of the Commission on such variation or modification should be final.

#### THE LAW AND ITS ENFORCEMENT

In addition to the regular inspection of factories, mercantile establishments and other places, the inspection force is compelled to make numerous compliance visits.

Besides the foregoing, there are various other duties to perform, part of which are the making of special inspections, investigation of complaints, night work relative to overtime work and the enforcement of the law relative to hours of labor as it applies to women and children, the enforcement of the day-of-rest law, securing evidence regarding violations of the law, procuring summonses against violators, and attendance in court in connection with the cases presented to the court for prosecution.

As the statute stands at present the inspection force is not adequate to properly enforce the labor laws, and in this connection permit me to call attention to the experience of the Department since its inception. At no time has the inspection force been adequate to properly enforce all the laws the Department is charged with enforcing. This is true at present and has been so in the past. The law-making bodies have from time to time added many beneficial statutes to what are known as the labor laws, but at no

time have they increased the agency for enforcement to a point that would be adequate to the duties imposed on the Department as the result of the enlarged responsibilities because of the statutes added from time to time.

The time has arrived for the Commission and the Legislature to give serious thought to the question of providing an adequate force to perform the duties imposed on the Industrial Commission. With the development of the present laws and the powers vested in the Commission to establish codes and make standards applicable to the industries of the state, there can be splendid progress made for the protection of the working people of the state, which will result in reducing the number of deaths and injuries of those engaged in the industries, and reduce to a minimum the hazards of the various industries in the State of New York.

#### **PROPER LIGHTING OF INDUSTRIAL ESTABLISHMENTS**

There is much to be accomplished by improving in a reasonable way the sanitation, ventilation and lighting of our factories and mercantile establishments, and thereby protecting the health and efficiency of the working people who are compelled to spend more than one-third of their lives in the stores and factories of the state.

The providing of proper illumination in industrial plants is very important from the standpoint of health, efficiency and safety. This is particularly true of the older type of factory construction. A considerable percentage of industrial injuries can be traced to insufficient and improper lighting facilities. Huge machines cast many shadows, and shafting and belting add to the gloom, and all tend to obstruct the natural light obtained in the building. As a result many hazardous conditions exist.

In the latest type of factory construction, vast improvements have been made by designing buildings with the maximum amount of light in the daytime. In many buildings artificial light is in constant use. Other plants operate at night. Many use artificial lighting during the dark hours of the day.

The installation of a lighting system has too often been provided with little judgment or without regard for the needs of the employees or the work to be performed. However, there is a

marked tendency among manufacturers to remedy such conditions, realizing that proper lighting facilities promote the efficiency of all the employees and especially those who have to operate intricate and dangerous machinery. It also increases the output of the plant and to a marked degree reduces the hazard of the industry, all of which tends to establish safer working conditions.

I have mentioned these matters briefly to show the necessity for augmenting the force to a point in keeping with the task imposed on the Department by the numerous laws, the enforcement of which is part of our duty, and for which critical public sentiment holds us responsible.

#### **MERCANTILE INSPECTION**

The work of this division shows a marked increase over last year. According to the last census the city of Binghamton has become a second class city, and thus comes under the provisions of the mercantile law.

I concur in the recommendations of the Acting Chief of the Division, and approve of the recommendation to extend the provisions of the mercantile law and the day-of-rest law to restaurants. There is a very large percentage of females employed in restaurants and the women employed therein are compelled to work long hours, and in most instances seven days a week. There is every reason why the provisions of the law should apply to these establishments.

It is impossible to properly enforce the mercantile law with the present number of mercantile inspectors. The force should be increased in order that the Bureau may properly enforce the mercantile law in cities of the first and second class, in order that the thousands of mercantile employees in the other cities throughout the state shall enjoy the benefit of the day-of-rest law, which cannot be thoroughly enforced because of the inadequate force of inspectors at the command of the Mercantile Division.

#### **PROSECUTIONS**

Prosecutions in the factory division, as shown in a table in later pages, are set forth in two sections, namely, cases pending on October 1, 1914, and cases instituted during the fiscal year 1915.

In the first section 274 cases were pending on October 1, 1914, 8 of which are still pending; 191 being dismissed or acquitted, and 10 withdrawn; 36 convicted and sentence suspended; 29 convicted and fined, the fines aggregating \$955. In the second section there was a total of 750 cases begun during the fiscal year, of which 171 were pending on October 1, 1915; 259 were dismissed and acquitted, and 9 withdrawn; 171 were convicted and sentence suspended; 140 convicted and fined, the fines aggregating \$3,432. The total amount of fines for all factory cases disposed of during the year was \$4,387.

#### MERCANTILE VIOLATIONS

Mercantile prosecutions are also set forth in two sections. There were 39 cases pending on October 1, 1914, which were disposed of during the fiscal year, resulting as follows: Five dismissed or acquitted; 15 pleaded guilty and sentence suspended; 8 pleaded guilty and fined; 3 convicted, sentence suspended; 7 convicted and fined; 1 bail forfeited. Amount of fines and forfeited bail, \$355. There were 780 prosecutions begun during the fiscal year 1915, 43 of which were pending on October 1, 1915; 47 were dismissed or acquitted; 7 dismissed or acquitted by jury; 4 withdrawn; 361 pleaded guilty, sentence suspended; 197 pleaded guilty and fined; 58 convicted, sentence suspended; 63 convicted and fined. The fines imposed aggregated \$5,502. The total fines for the mercantile cases disposed of during the year was \$5,857.

#### TENEMENT MANUFACTURES

The report of the Chief of the Division of Homework Inspection shows that 14,365 licenses were in effect at the end of the fiscal year, as compared with 12,848 at the end of the previous year. Of the number of licenses issued, 255 represent shops or factory buildings situated on the same lot but in the rear of a tenement house. In the 14,110 separate tenement house buildings there are 177,210 living apartments. This may give some idea of the amount of work to be accomplished by the division, and particularly if it be done as the law provides, so that all licensed tenement houses shall be inspected at least twice each year. In order that the work may be accomplished as contemplated by the provisions of the law, I

concur in the recommendations of the Chief of the Homework Division, in which he sets forth the necessity for an increase in the inspection force, in order that the work may be performed as the statutes direct.

#### **SAFETY MANUAL**

There is urgent necessity for providing the Department's inspection force with a manual. This should be carefully compiled, illustrating and describing the latest and most efficient methods of guarding the many different types of machinery, elevators, etc., and in addition, showing the most approved manner of eliminating many of the common hazards that are found in the various industries. This manual could be so arranged that parts of it could be printed in pamphlet form and be made very serviceable to the different classes of manufacturing establishments. The purpose of such manual should be to establish standards and properly demonstrate the best means of remedying the dangerous conditions that are prevalent in many of the industries of the state.

#### **MACHINERY CODE AND SAFETY COMMITTEES**

There should be special attention given to the proper safe-guarding of machinery and other hazardous conditions, with a view to reducing to the minimum the industrial hazards as they apply to the industries of the state.

In connection with a program of this character, it becomes essential that a proper machinery code be provided as soon as possible. Such a code would be educational and beneficial to the factory owners and managers who are desirous of knowing just what will be acceptable to the Department as proper safe-guards on the different types of machinery.

In addition to the machinery code, there should be proper rules requiring the organizing of safety committees of employees in such industries as are hazardous. These rules should be such as would guide these committees in making the conditions of their respective plants meet the highest standard of safety, and enable them to reduce the injuries of the employees to the lowest number. By the development of these committees, there is no question of the vast improvement that can be accomplished for the protection of the employees in the hazardous occupations, by developing and

providing proper safe-guards and the elimination of unsafe working conditions that may exist in many of the industries of the state. Through the work of these committees much can be done to instill in the minds of the employees that which is most essential, the necessity of using proper care and judgment in the performance of their duties, and in this way protect their fellow-workers and themselves from injury, and be a real militant force in the crusade for "Safety First," which means their deliverance from industrial injuries, and which will also reduce the cost of compensating injuries to the industries of the state, and thus preserve the efficiency of the workers of the state.

JAMES L. GERON,

*First Deputy Commissioner.*

## (2) STATISTICS OF FACTORY INSPECTION†

### WORK OF FACTORY INSPECTORS

YEAR ENDED SEPTEMBER 30, 1915

	First Inspection District	Second Inspection District	Total State	1914
Number of regular inspections of:				
Factories occupying whole buildings.....	4,559	9,164	13,723	13,235
Tenant factories.....	20,507	4,841	25,348	32,608
Bakeries.....	123	1,802	1,925	2,090
Total.....	25,189	15,807	40,996	47,933
Number of special inspections (with or without orders).....	2,764	4,105	6,869	14,759
Number of complaints investigated.....	2,089	207	2,296	6,380
Number of compliance visits:				
First visits.....	22,508	8,867	31,375	33,513
Subsequent visits.....	22,127	8,797	30,924	63,614
Total.....	44,635	17,664	62,299	117,127
Number of tagging cases (exclusive of "assisting"):				
Section 95.....	235	5	240	871
Section 114.....	35	2	37	11
Section 81.....	4	15	19	13
Section 19.....	.....	.....	.....	10
Total.....	274	22	296	905
Number of miscellaneous matters.....	42,203	9,717	51,920	52,464

† Compiled by Bureau of Statistics and Information.

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ORDERS ISSUED BY THE DIVISION OF FACTORY INSPECTION AND REPORTED

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## SUBJECT OF ORDERS

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- I. ADMINISTRATION:**
  - 1. Posting of laws, permits, notices, etc.....
  - 2. Keeping of records, registers, etc.....
  - 3. Reporting to Department.....
  - 4. Interfering with inspector.....
  
- II. SANITATION: (a)**
  - 1. Toilet facilities:
    - a. Water closets.....
    - b. Wash rooms.....
    - c. Dressing rooms.....
  - 2. Cleanliness or repair of workrooms, halls, etc.....
  - 3. Ventilation, heat and humidity:
    - a. General.....
    - b. Removal of dust, fumes, etc.....
  - 4. Lighting.....
  - 5. Meals.....
  - 6. Drinking water.....
  - 7. Sanitation of living quarters.....
  
- III. ACCIDENT PREVENTION:**
  - 1. Elevators and hoistways.....
  - 2. Machinery (including vats, pans, etc.).....
  - 3. Switchboards.....
  - 4. Stairs, pits, floors, etc. (including repairs).....
  - 5. Lighting to prevent accidents.....
  
- IV. FIRE PROTECTION:**
  - 1. Structural conditions:
    - a. Number of exits.....
    - b. Doors, doorways and windows.....
    - c. Stairways.....
    - d. Fire escapes.....
    - e. Partitions.....
    - f. Openings.....
    - g. Other or general.....
  - 2. Clear means of egress.....
  - 3. Fire alarms and drills (b).....
  - 4. Waste and inflammable materials.....
  - 5. Gas jets.....
  - 6. Smoking (b).....
  - 7. Sprinklers (b).....
  - 8. Number of occupants.....
  - 9. Fire escapes other than structural conditions.....
  - 10. Provide fire extinguisher.....
  
- V. CHILDREN:**
  - 1. Under 14 years (c).....
  - 2. From 14 to 16 years:
    - a. Certificates (c).....
    - b. Hours (c).....
    - c. Prohibited occupations.....
  
- VI. WOMEN AND MALE MINORS:**
  - 1. Hours.....
  - 2. Prohibited occupations.....
  - 3. Employment after childbirth.....
  - 4. Seats for women.....

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NOTE—For footnotes see following pages.

## REPORT OF THE INDUSTRIAL COMMISSION, 1915

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COMPLIANCES THEREWITH FROM OCTOBER 1, 1914, TO SEPTEMBER 30, 1915

NUMBER OF ORDERS ISSUED IN—			NUMBER OF COMPLIANCES REPORTED IN—		
Inspection District No. 1	Inspection District No. 2	Total State	Inspection District No. 1	Inspection District No. 2	Total State
27,803	6,258	34,041	27,471	4,985	32,454
27,420	5,566	32,986	27,143	4,658	31,801
208	546	754	170	206	376
175	126	301	158	119	277
.....	.....	.....	.....	.....	.....
84,160	17,868	41,418	17,451	16,796	34,247
13,673	7,356	21,029	9,483	6,971	16,454
1,659	2,494	4,153	996	2,109	3,105
2,328	1,244	3,572	1,438	1,111	2,549
5,800	4,123	9,923	5,104	4,814	9,918
79	87	166	50	71	121
452	1,499	1,951	250	1,266	1,516
27	10	37	24	31	55
57	370	427	47	371	418
75	85	160	59	51	110
.....	.....	.....	.....	1	1
80,068	30,689	50,748	14,280	23,849	38,129
6,529	8,480	15,009	3,059	4,441	7,500
11,607	19,874	31,481	9,850	16,800	26,650
239	365	604	222	726	948
801	1,599	2,400	604	1,519	2,123
877	371	1,248	545	368	908
.....	.....	.....	.....	.....	.....
26,247	7,463	33,710	19,148	8,230	27,578
4,539	1,596	6,185	246	255	501
3,624	1,273	4,897	3,720	1,701	5,430
3,711	379	4,090	246	72	318
230	62	292	1,608	671	2,279
1,701	62	1,763	77	8	85
163	40	203	47	6	53
.....	18	18	.....	1	1
8,178	2,952	11,130	9,644	4,805	14,249
13	(b) 13	.....	.....	(b) .....	.....
1,674	692	2,366	1,585	701	2,286
1,130	75	1,205	1,376	115	1,491
.....	7	(b) 7	.....	4	(b) 4
.....	.....	(b) .....	.....	(b) .....	.....
667	52	719	313	10	323
567	251	818	277	80	357
.....	4	4	.....	1	1
.....	.....	(c) .....	.....	(c) .....	.....
.....	.....	(c) .....	.....	(c) .....	.....
.....	.....	(c) .....	.....	(c) .....	.....
.....	4	4	3	16	19
164	249	413	113	227	340
103	215	318	48	174	222
1	4	5	.....	7	7
.....	60	30	90	46	111

## ORDERS ISSUED AND REPORTED

## SUBJECT OF ORDERS

## VII. MISCELLANEOUS:

1. Payment of wages.....
2. Day of rest.....
3. First aid appliances.....
4. Screens for stairs.....
Total.....

\* The number of inspections on which these orders were issued was 24,130 in the first district, 11,666 in the second, and 35,796 for the State.

† "Locked doors" are not included in this entry for the reason that the Department does not issue orders when doors are found locked during the course of an inspection. Prosecution immediately ensues. There were 65 instances in the first district and 9 instances in the second in which locked doors were found by inspectors.

(a) During the fiscal year ended September 30, 1915, there were referred to the Health Department of the first class cities the following orders:

Referred by the First Inspection District to the Health Department of New York City, 428 orders concerning bakeries, mainly relating to sanitation;  
Referred by the Second Inspection District to the Health Department of Buffalo, 16 orders concerning bakeries, mainly relating to sanitation;  
Referred by the Second Inspection District to the Health Department of Rochester, 47 orders concerning bakeries, mainly relating to sanitation.

## COMPLIANCES—(Continued)

NUMBER OF ORDERS ISSUED IN—			NUMBER OF COMPLIANCES REPORTED IN—		
Inspection District No. 1	Inspection District No. 2	Total State	Inspection District No. 1	Inspection District No. 2	Total State
2,943	697	3,640	2,396	734	3,130
29	54	83	14	24	38
2,579	531	3,110	2,239	656	2,895
315	109	424	115	49	164
20	3	23	28	5	33
*101,360	*62,608	*163,968	80,862	54,835	135,697

(b) The law concerning this subject is enforced in New York City by the fire commissioner, not by the Department of Labor. Elsewhere throughout the State, the State Fire Marshal enforced the provisions of the law concerning this subject until February 15, 1915, when that Department was abolished (Chapter 4, L. 1915). On April 21, 1915 (Chapter 347, L. 1915) the Department of Labor was charged with that duty.

During the fiscal year ended September 30, 1915, the following orders were referred to the respective officials:

Referred by First Inspection District to Fire Commissioner of New York City:	Referred by Second Inspection District to State Fire Marshal:
Fire alarms.....	1,608.....
Fire drills.....	538.....
Sprinklers.....	182.....
Smoking.....	55.....
Waste and inflammable material.....	9.....
Explosives and blasting in quarries.....	.....2
Boilers in quarries.....	.....2

(c) See separate tabulation for children found illegally employed (except "prohibited occupations").

## PROSECUTIONS FOR VIOLATIONS OF

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	RESULTS TO SEPTEMBER 30, 1915					
	Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted		Fines
				Sentence suspended	Fined	.
<i>A. Proceedings Instituted</i>						
<b>II. SANITATION</b>						
1. Toilet facilities:						
a. Water closets.....	4	....	4	....	....	....
2. Cleanliness or repair of workrooms, halls, etc.....	....	....	....	....	....	....
3. Ventilation, heat and humidity:						
b. Removal of dust, fumes, etc.....	....	....	....	....	....	....
<b>III. ACCIDENT PREVENTION</b>						
1. Elevators and hoistways.....	31	....	25	4	2	\$100 00
2. Machinery (including vats, pans, etc.).....	6	....	2	3	1	25 00
5. Lighting to prevent accidents.....	3	....	2	1	....	....
<b>IV. FIRE PROTECTION.</b>						
1. Structural conditions:						
b. Doors, doorways and windows.....	104	1	(3) 97	1	2	100 00
d. Fire escapes.....	31	....	(2) 28	1	....	....
g. Other or general.....	....	....	....	....	....	....
2. Clear means of egress:						
a. Locked doors.....	8	....	2	1	5	220 00
b. Other.....	5	....	4	....	1	20 00
4. Waste and inflammable material.....	1	....	1	....	....	....
8. Number of occupants.....	4	....	4	....	....	....
<b>V. CHILDREN</b>						
1. Under 14 years.....	1	....	....	....	1	20 00
2. From 14 to 16 years:						
a. Certificates.....	6	....	....	4	2	75 00
b. Hours.....	3	....	....	2	1	20 00
c. Prohibited occupations.....	1	....	....	....	1	50 00
<b>VI. WOMEN AND MALE MINORS</b>						
1. Hours.....	19	....	(1)	12	6	150 00
<b>VII. MISCELLANEOUS</b>						
1. Payment of wages.....	....	....	....	....	....	....
2. Day of rest.....	5	....	....	2	3	60 00
5. Tenement houses.....	7	....	1	3	3	65 00
6. Construction of buildings in cities.....	1	....	....	1	....	....
8. Physical examination of compressed air workers.....	1	....	....	1	....	....
<b>Total.....</b>	<b>241</b>	<b>1</b>	<b>(6) 170</b>	<b>36</b>	<b>28</b>	<b>\$905 00</b>

\* Withdrawn cases are given in parentheses.

## REPORT OF THE INDUSTRIAL COMMISSION, 1915

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## THE LABOR LAW IN FACTORIES

SECOND INSPECTION DISTRICT					TOTAL STATE					Subject number	
Number of cases	Pending	RESULTS TO SEPTEMBER 30, 1915			Number of cases	Pending	RESULTS TO SEPTEMBER 30, 1915				
		Dismissed, acquitted or withdrawn*	Convicted	Fines			Dismissed, acquitted or withdrawn*	Convicted	Fines		
<i>Prior to October 1, 1914</i>											
4	...	4	...	...	8	...	8	...	...	II	
1	...	(1)	...	...	1	...	(1)	...	...	1 2	
1	....	(1)	....	....	1	....	(1)	....	....	3b	
4	....	4	....	....	35	....	29	4	100 00	III	
2	....	2	....	....	8	....	4	3	25 00	1 2	
....	....	....	....	....	3	....	2	1	....	5	
<i>IV</i>											
8	1	7	2	....	112	2	(3) 104	1	100 00	1b	
2	....	2	....	....	33	....	(2) 30	1	....	1d	
1	1	....	....	....	1	1	....	....	....	1g	
....	....	....	....	....	8	....	2	1	220 00	2a	
....	....	....	....	....	6	....	5	1	20 00	2b	
....	....	....	....	....	1	....	1	....	....	4	
....	....	....	....	....	4	....	4	....	....	8	
<i>V</i>											
....	....	....	....	....	1	....	....	1	20 00	1	
....	....	....	....	....	6	....	....	4	75 00	2a	
....	....	....	....	....	3	....	....	2	20 00	2b	
....	....	....	....	....	1	....	....	1	50 00	2c	
<i>VI</i>											
1	1	....	....	....	20	1	(1)	12	150 00	1	
4	1	(2)	....	+\$50 00	4	1	(2)	....	50 00	VII	
4	3	1	....	....	9	3	1	2	50 00	1 2	
....	....	....	....	....	7	....	1	3	65 00	5	
....	....	....	....	....	1	....	....	1	....	6	
....	....	....	....	....	1	....	....	1	....	8	
33	7	(4) 21	....	1 \$50 00	274	8	(10) 191	36	955 00	....	

† Judgment in civil actions.

## PROSECUTIONS FOR VIOLATIONS OF THE

SUBJECT OF LAW INVOLVED	FIRST INSPECTION DISTRICT					
	RESULTS TO SEPTEMBER 30, 1915					
	Number of cases	Pending	Dismissed, acquitted or withdrawn*	Convicted	Sentence suspended	Fined
<i>B. Proceedings Instituted</i>						
<b>I. ADMINISTRATION</b>						
4. Interfering with Inspector.....	2	....	(1)	1	....	....
5. Operating bakery without permit.....	....	....	....	....	....	....
<b>II. SANITATION</b>						
1. Toilet facilities:						
a. Water closets.....	27	....	27	....	....	....
b. Wash rooms.....	2	....	2	....	....	....
c. Dressing rooms.....	3	....	2	1	....	....
2. Cleanliness or repair of workrooms, halls, etc.....	....	....	....	....	....	....
3. Ventilation, heat and humidity:						
b. Removal of dust, fumes, etc.....	9	1	8	....	....	....
7. Sanitation of living quarters.....	....	....	....	....	....	....
<b>III. ACCIDENT PREVENTION</b>						
1. Elevators and hoistways.....	50	12	(2) 34	2	....	....
2. Machinery (including vats, pans, etc.).....	26	4	21	1	....	\$30 00
4. Stairs, pits, etc. (including repairs).....	1	....	1	....	....	....
5. Lighting to prevent accidents.....	....	....	....	....	....	....
<b>IV. FIRE PROTECTION</b>						
1. Structural conditions:						
a. Number of exits.....	71	53	(1) 17	....	....	....
b. Doors, doorways and windows.....	51	5	(2) 43	1	....	....
c. Stairways.....	2	1	1	....	....	....
d. Fire escapes.....	13	....	13	....	....	....
g. Other or general.....	58	42	6	8	2	100 00
2. Clear means of egress:						
a. Locked doors.....	43	5	6	13	19	665 00
b. Other.....	24	1	20	2	1	50 00
4. Waste and inflammable material.....	....	....	....	....	....	....
8. Number of occupants.....	7	3	4	....	....	....
<b>V. CHILDREN</b>						
1. Under 14 years.....	6	1	....	5	....	....
2. From 14 to 16 years:						
a. Certificates.....	28	4	3	10	11	220 00
b. Hours.....	33	3	1	14	15	317 00
c. Prohibited occupations.....	3	....	....	2	1	20 00
<b>VI. WOMEN AND MALE MINORS</b>						
1. Hours.....	106	5	1	54	46	1,025 00
<b>VII. MISCELLANEOUS</b>						
1. Payment of wages.....	....	....	....	....	....	....
2. Day of rest.....	28	3	3	11	11	220 00
5. Tenement houses.....	7	....	....	6	1	20 00
Total.....	600	143	(6) 213	130	108	\$2,667 00
Grand total.....	841	144	(12) 383	166	136	\$3,572 00

\* Judgment in civil actions.

## REPORT OF THE INDUSTRIAL COMMISSION, 1915

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## LABOR LAW IN FACTORIES—(Concluded)

SECOND INSPECTION DISTRICT					TOTAL STATE					Sub- ject num- ber	
Num- ber of cases	RESULT TO SEPTEMBER 30, 1915				Num- ber of cases	RESULTS TO SEPTEMBER 30, 1915					
	Pend- ing	Dis- missed, ac- quitted or with- drawn*	Convicted	Fines		Pend- ing	Dis- missed, ac- quitted or with- drawn*	Convicted	Fines		
<i>in Current Year</i>											
8	5	3	...	...	2	5	1	3	...	I 4 5	
2	2	...	...	...	29	29	...	...	...	II	
2	2	...	...	...	4	4	...	...	...	1a	
1	1	...	...	...	4	3	1	...	...	1b	
2	2	...	...	...	2	2	...	...	...	1c	
2	2	...	...	...	11	10	...	...	...	2	
4	4	...	...	...	4	4	...	...	...	3b 7	
3	2	1	...	...	53	36	3	1	\$30 00	III 1	
6	5	1	...	...	32	26	1	1	...	2	
1	1	...	...	...	1	1	...	...	...	4	
...	...	...	...	...	1	1	...	...	...	5	
<i>IV</i>											
3	2	(1)	1	...	74	55	2	...	...	1a	
5	1	3	1	...	56	46	...	...	...	1b	
...	...	...	...	...	2	1	1	...	...	1c	
...	...	...	...	...	13	13	...	...	...	1d	
3	3	...	...	...	61	42	9	8	100 00	1g	
5	2	2	1	\$25 00	48	5	8	15	690 00	2a	
...	2	...	...	...	24	1	20	2	50 00	2b	
2	2	...	...	...	7	3	4	...	...	4	
...	...	...	...	...	...	...	...	...	...	8	
8	4	1	2	1 20 00	14	5	1	7	1 20 00	V 1	
7	2	1	1	...	35	6	4	14	220 00	2a	
17	1	(1) 2	13	...	50	4	(1) 3	27	317 00	2b	
2	1	1	1	...	5	...	1	3	20 00	2c	
26	9	5	8	4 110 00	132	14	6	62	50 1,135 00	VI 1	
5	1	(1)	5	\$150 00 23 460 00	5	1	(1)	...	150 00 680 00	VII 1	
36	1	7	5	...	64	4	10	16	34 20 00	2	
...	...	...	...	...	7	...	...	6	1	5	
150	25	(3) 49	41	32 \$765 00	750	168	(9) 262	171	140 \$3,432 00	....	
183	32	(7) 70	41	33 \$815 00	1,024	176	(19) 453	207	169 \$4,387 00	....	

\* Plus costs; recovered in civil actions.

CHILDREN FOUND ILLEGALLY EMPLOYED OR FOR WHOM PROOF OF AGE WAS  
DEMANDED IN FACTORIES IN YEAR ENDED SEPTEMBER 30, 1915.

FIRST INSPECTION DISTRICT		Males	Females	Total
Found illegally employed:				
Less than 14 years of age (discharged).....		6	2	8
14 to 16 years of age (without certificate).....		100	96	*196
Working illegal hours.....		111	113	224
Total.....		217	211	428
Children for whom proof of age was demanded:††				
Age proven 16.....		5	22	27
Age proven 14 to 16 (certificate secured).....				
Age proven less than 14 (discharged).....				
Discharged without proof of age.....				
Total.....		5	22	27
SECOND INSPECTION DISTRICT				
Found illegally employed:				
Less than 14 years of age (discharged).....		25	9	**34
14 to 16 years of age (without certificate).....		59	47	§106
Working illegal hours.....		52	43	95
Total.....		136	99	‡235
Children for whom proof of age was demanded:				
Age proven 16.....		12	7	19
Age proven 14 to 16 (certificate secured).....				
Age proven less than 14 (discharged).....				
Discharged without proof of age.....		11	6	17
Total.....		23	13	36
TOTAL STATE				
Found illegally employed:				
Less than 14 years of age (discharged).....		31	11	42
14 to 16 years of age (without certificate).....		159	143	302
Working illegal hours.....		163	156	319
Total.....		353	310	663
Children for whom proof of age was demanded:				
Age proven 16.....		17	29	46
Age proven 14 to 16 (certificate secured).....				
Age proven less than 14 (discharged).....				
Discharged without proof of age.....		11	6	17
Total.....		28	35	63

NOTE.—The above violations and demands for proof of age in the First Inspection District were found in 307 New York City factories. Those in the Second Inspection District were found in 149 factories, 14 of which were in Buffalo and 27 in Rochester.

\* In 74 cases the children secured the required certificates.

† The total here represents the number of violations found; there were 39 duplications — cases in which children between 14 and 16 years of age without certificates were being employed illegal hours.

†† In the First Inspection District the Department issues to children upon request certificates of age of more than 16 years upon production of sufficient proof of age. In 1915 the Division of Factory Inspection issued 2,862 such certificates, the evidence of age being school records in 1,419 cases, birth certificates in 805, baptismal certificates in 285, passports in 203, mothers' affidavits in 130, institution records in 15, and life insurance policies in 5.

\*\* In 11 cases the children were found to be working more than eight hours a day or before 8 a. m. or after 5 p. m.

§ In 18 cases the child had secured the required certificate, but it was not on file with the employer; in 7 cases the inspector reported that child secured the certificate.

‡ The total here represents the number of violations found; there were 50 duplications — cases in which children between 14 and 16 years of age without certificates were being employed illegal hours.

WORK OF THE DIVISIONS OF ENGINEERING AND OF APPEALS OF THE BUREAU  
OF INSPECTION FOR YEAR ENDED SEPTEMBER 30, 1915 \*

	Year ended Sep- tember 30, 1915
Number of inspections of:	
Tenant factories.....	7
New buildings.....	3
Alterations on existing buildings.....	125
Fireproofing.....	600
Fire escapes.....	614
<b>Total.....</b>	<b>1,349</b>
Number of special inspections.....	2
Number of complaints investigated.....	5
Number of compliance visits.....	5
Number of tagging cases (exclusive of "assisting"):	
Section 19.....	4
Number of miscellaneous matters.....	6,523

\* These divisions have jurisdiction in the First Inspection District only. Similar work in the Second Inspection District is reported in connection with the work of the factory inspectors (q. v.)

### (3) REPORT OF DIVISION OF HOMEWORK INSPECTION

*To the First Deputy Commissioner:*

The report of the activities of the Division of Homework Inspection for the year ending September 30th, 1915, is herewith respectfully submitted.

At the close of the present report year there was a total of 14,372 licenses, as compared with 12,861 at the end of the previous year, distributed as follows:

New York City.....	13,847	Albany.....	80
Bronx.....	1,162	Buffalo.....	34
Brooklyn.....	4,721	Rochester.....	324
Manhattan.....	7,744	Syracuse.....	7
Queens.....	216	Utica.....	76
Richmond.....	4	Troy.....	1
Long Island.....	2	Yonkers.....	1

Of these, 255 represent shop or factory buildings situated on the same lot, but in the rear of tenement houses, and 14,117 represent separate tenement house buildings. The total number of living apartments in these tenement houses are 177,210, 75 per cent of which apartments were looked into by the field force in their annual inspection visit. There were 2,543 new licenses issued, 52 were revoked for sanitary reasons, 981 licenses were cancelled on account of all work having ceased in them, 249 licenses were refused on first visit of inspection and 4 on second visit, the applications for the latter being cancelled as the tenement houses to which they related were found to be habitually unfit and dirty.

The total of inspections, visitations and other acts performed by the field force of fourteen inspectors assigned to this division for the year amounted to 32,101, divided as follows: Inspections of licensed buildings, tenements and shops, 14,512; inspections made of buildings seeking to be licensed, 2,789; reports of observation visits to houses not licensed, 2,250; complaints investigated, 206; visits made to secure or verify compliances, 2,836; visits of a miscellaneous character and not otherwise charged, 9,508. Much time was devoted to patrolling in congested localities where factory

work is given out in greatest quantities and where children would most likely be found employed in the home in the early or late part of the day or on holidays, etc.

The tenement tag was used 122 times in order to enforce the prompt removal of wrongful conditions found by the inspector. The tag still holds its place as an effective means of compelling tenants, and very often owners, who are negligent in keeping up the standard of cleanliness demanded by the department before issuing a license.

Of 14,110 tenements inspected, 5,648 were found to contain no work of any kind at the time of inspection. In the remaining 8,452 licensed tenements, 18,055 persons were found at work on some article coming within the provisions of the law; of this number, 3,367 persons were found employed in 1,363 store shops, having no connection with any living rooms or apartments. The actual number of persons found at work in living rooms was 14,688, and the apartments wherein they worked numbered 11,404. Of all the persons found working at home, 8,569 were engaged on articles intended for personal use or the trade commonly called custom, that is, articles prepared for personal customers and not for the retail trade. There were 9,486 home workers found at work on some article sent out from a factory or shop; of this number, 5,667 were employed on articles of wearing apparel; 1,388 on artificial flowers; 753 on embroidery of some kind; leaving only 1,678 persons employed on miscellaneous articles. Of the 2,250 observation reports submitted of unlicensed houses, in only 726 was there any work found coming under the law, and the work thus found was, in the main, of the custom or individual kind and not from a factory.

The above clearly demonstrates the effect of the enforcement of the law in checking the indiscriminate giving out of work from factories to tenements. There were 738 persons found employed in living rooms who did not reside therein. Of these outside hands, 654 were employed legally by custom dressmakers who came within the exceptions contained in section 100, leaving but 84 persons employed in violation of law, nearly every one of whom was found at work with journeymen tailors on custom work sent out by merchant tailoring houses. There were 28 cases of disease

reported in tenements, three of which cases were found in rooms in which work was proceeding. All such matters were promptly treated as directed by section 103.

Tenement house owners to the number of 683 were notified to comply with the provisions of section 105; 1,909 employers were notified to label articles sent by them into tenements, as required by section 101; 71 manufacturers and contractors were notified to withdraw all work from tenement workers, as directed by section 104, relating to infants' or children's wearing apparel; and 1,395 notices to factory owners to comply with the provisions of section 106 were sent out. There were 881 factory permits issued and 92 permits were cancelled. There were 462 children reported as at work in the home on factory articles. The great bulk of these children were found on the west side in the flower section. Immediate and drastic action was taken in every case of this character. The places where little children were found at work were revisited and watched and in consequence our records show less than a dozen repetitions of the violation by the same persons. We have pursued the same methods in dealing with illegal employment of children in the home as were set forth in my annual report of last year as follows:

The change made in the law, which aims to give the Department control over the employment of children in the home, under 16 years of age, is very complicated, and most difficult of enforcement; in fact cannot be enforced as it is written. The responsibility sought to be placed on the factory owner who employs the parent to do the work in the home, cannot be made to work out in fact, as was desired in theory. To make this feature of the law really effective, responsibility should be made to rest directly on the person, parent or guardian having direct control over the child, and who compels or permits the little ones to help with the work. My instructions to the inspectors on this subject left them no choice of action but to report all facts discovered by them when a child was found employed in the home illegally, which they did, but in all cases that were reported, not one contained sufficient elements of fact to warrant counsel to order the prosecution of the employer.

The experience of the year now past only serves to emphasize and confirm this view. The attitude of manufacturers toward this feature of the law, generally speaking, is all that could be asked for. No reports have reached me of connivance or scheme on the part of any employer to defeat the purpose of the law. In

every case where we have notified the manufacturer of the employment in the home of children under age on work furnished by him, his action in withdrawing the work from the hands of the offending worker has been prompt. This co-operation has been of great aid to the field worker. The method employed by the inspector is to stop work at once, notify the employer of the violation and then force the mother to understand that if she persists in having her child help on the work she will not be permitted to take in any work at all.

While this method serves the purpose, it is far from being satisfactory. Surely some one is blamable for having the child at work. If the child were found at work in a factory there would be no question as to responsibility. The court always fixes that on the owner of the factory. In this case the owner of the factory has no dealings with the child. He may not even know of the child's existence. He deals with the parent and warns the parent under penalty to stop all work, that children under age must not help or touch the work. The parent is the employer in this case, and whether he forces the child to do the work or merely allows, without stress, the little one to work is immaterial; the responsibility should be placed on the person, parent or guardian who thus forces or allows the young child to engage in employment of this kind. The ages of children reported range from 4 to 15½ years.

Persons belonging to 32 different races were found engaged in doing homework. The predominating numbers engaged were Italians, 7,773; Jews, 6,647; Germans, 1,074; Americans, 1,000; leaving 1,561 workers to be charged to the other 28 races respectively.

The depressed industrial conditions prevailing during the year forced many women to take up home work who never before engaged in such employment. It was quite common to be told that "the times are so hard and my husband has been out of work so long that I feel I must try and do something to help out," or "I have small children who must be fed and my husband has been unable to find anything to do in months, so I must try and do something to earn even a little money to keep going until he gets a job," etc. Very few of these beginners continue at the work for any great length of time, for the progress is too slow and the

compensation is too small to give much encouragement to the beginner.

Experience teaches that necessity is the greatest impetus to this line of work. We are in almost constant contact with that side of life where the struggle of existence is greatest and where misery, want and destitution cannot be hidden. We come in contact every day with the good mother who is seeking and struggling as only a mother can struggle to keep her little ones together about her. The father is dead, the father is gone away, or is ill, or is unable to find employment. No matter what the cause, the family is in want and the mother has taken upon her weak shoulders the burden and care of providing for the wants of her helpless ones. Section 104 should be modified, giving power to the Industrial Commission to draw a line in the matter of children's clothing.

I am forced to again repeat my annual suggestion that more inspectors should be furnished to this division to enable it to perform the work of tenement house inspection as the statute directs that it should be done. The law demands that all licensed tenement houses "shall" be inspected "at least" twice each year. This cannot be done with the present field force. I might be able to go much further in this direction if I were given at least six more inspectors.

The general conditions are satisfactory. We have no sweat shops in this state to-day. The shop in the tenement house living room is a thing of the past. We cannot transform a dirty house-keeper into a clean, tidy one, but we can and we do keep the dirty one from engaging in homework until satisfactory sanitary conditions are made to prevail. No such foul conditions are met with in tenements like those of a few years ago. We do the best we can and will continue to do so even though we are not able to do all that the law demands.

I am pleased to be able to report that the work of the division on the whole for the year has been satisfactory. The inspectors have, as a rule, been attentive to their duties and zealous in prosecuting their labors.

We will try, and if it is at all possible to do so, make the work of the division more thorough and efficient.

DANIEL O'LEARY,  
*Chief of Division.*

## SUMMARY OF WORK OF HOME WORK INSPECTORS

	1915	1914	1913	1912	1911
Investigations (including re-investigations) of applications for license.....	2,789	3,823	2,322	2,072	1,761
Inspections of licensed buildings.....	14,512	12,199	11,238	12,755	13,402
Observations.....	2,250	2,295	3,141	2,305	1,687
Inspections of tenement factories.....	310	484	.....	.....	.....
Taxing cases (exclusive of "assisting") under section 102.....	122	284	239	102	78
Complaints investigated.....	206	275	*	*	*
Compliance visits.....	2,836	8,917	*	*	*
Miscellaneous matters.....	9,508	12,553	*	*	*

\*Comparative figures not available.

## LICENSING OF TENEMENTS IN YEAR ENDED SEPTEMBER 30, 1915

	New York	Remainder City	of State	Total
Licenses outstanding October 1, 1914.....	12,360	.....	*501	12,861
Applications pending October 1, 1914.....	100	.....	.....	100
Applications received.....	2,444	.....	50	2,494
Total.....	2,544	.....	50	2,594
Applications cancelled.....	124	.....	1	125
Applications pending September 30, 1915.....	24	.....	.....	24
Licenses granted:				
On first investigation.....	2,358	.....	49	2,407
On re-investigation.....	138	.....	.....	138
Total.....	2,496	.....	49	2,545
Licenses cancelled.....	956	.....	25	981
Licenses revoked.....	53	.....	.....	53
Total.....	1,009	.....	25	1,034
Licenses outstanding September 30, 1915.....	13,847	.....	525	14,372

\*Corrected figures instead of 502 as given in report for 1914.

## REGISTERS OF OUTSIDE WORKERS

YEAR ENDED SEPTEMBER 30	Notifi- cations issued	Registers filed	Not found or out of business	Reported no outside hands
1915.....	1,852	1,847	313	345
1914.....	3,407	1,886	154	167
1913.....	1,318	636	47	113
1912.....	4,184	1,976	253	212
1911.....	1,658	718	74	93
1910.....	2,924	1,999	463	262
1909.....	2,947	2,292	258	342
1908.....	2,743	2,101	330	432
1907.....	5,740	1,832	327	576

## PERMITS TO FACTORY OWNERS TO SEND WORK TO TENEMENTS

Permits outstanding October 1, 1914.....	.....	1,372
Issued during year.....	.....	881
Cancelled during year.....	.....	92
Outstanding September 30, 1915.....	.....	2,161

#### (4) REPORT OF DIVISION OF MERCANTILE INSPECTION

*To the First Deputy Commissioner:*

To the report of the Division of Mercantile Inspection hereby submitted are appended tables showing in detail the work of the division. The report for the past year shows an increase over that of the preceding year, notwithstanding the fact that we have had additional duties placed upon us by the adoption of the Industrial Code, and the enactment of section 161-a requiring the posting of the hours of labor of women and children in mercantile establishments.

Section 161-a is the most valuable addition made to the mercantile law, as only by the posting of the hours of labor of females and minors could we ever hope to prove that they were not employed more than the legal number of hours per day. Greater results were also accomplished in the enforcement of section 8-a, known as the day-of-rest law. Inspections were made throughout the state in the villages and cities other than those of the first and second class, and for failure to comply with this law after due notice had been given, prosecution was brought. We are unable to give proper attention to this section of the law in third class cities and villages with our present force of inspectors without neglecting our regular work in the first and second class cities.

Since October 1, 1915, our field of duty has also been enlarged by the addition of Binghamton to the list of second class cities where we are charged with the enforcement of all the provisions of Article 12.

#### COMPLAINTS

During the fiscal year 1914-1915, we received 1,167 complaints covering twenty-four different subjects. Of this number, 753 were anonymous, and 414 were signed by the persons making the complaints. Whenever the names and addresses of the persons making the complaints were furnished, the Division communicated with them and they were informed as to the results of our findings. Of the 1,167 complaints investigated, 534 were sustained and 633 were not sustained; 367 were in relation to violations of section 8-a, the day-of-rest law; 184 related to females working over nine

hours a day; 115 related to the employment of children under fourteen; 97 related to females working more than 54 hours a week; 82 related to children employed without employment certificates; and 67 related to females employed after 10:00 p. m. The various subjects about which complaints were made are shown in an appended table.

#### CHILD LABOR

One of the most important problems the Mercantile Division has to deal with, is that of the enforcement of the law relating to the employment of children. Illegal employment and the working of illegal hours of those children legally employed still exists, and undoubtedly will continue until the courts deal more seriously with the offenders. During the past year there were found 2,569 children under sixteen years of age legally employed; illegally employed, 726 under fourteen years of age, and 1,418 between fourteen and sixteen years without employment certificates, making a total of 2,144 illegally employed, or 45.5 per cent of the 4,713 children found employed. There is a decrease of 2,781 children found employed in the past year from that of the previous year, while the total number of inspections exceeds that of the preceding year by 1,713.

Following is a condensed tabulation showing figures as to child labor for the past seven years:

YEAR	Inspections made	Total	CHILDREN FOUND EMPLOYED ILLEGALLY		
			Under 14 yrs.	without certificates	14-16 yrs. Total
1909.....	12,803	6,070	756	2,365	3,121
1910.....	9,687	4,832	711	1,660	2,371
1911.....	8,997	3,828	421	1,154	1,575
1912.....	8,395	4,925	756	1,346	2,102
1913.....	12,860	6,794	949	1,820	2,760
1914.....	27,216	7,494	846	1,761	2,607
1915.....	29,011	4,713	726	1,418	2,144

#### HOURS OF LABOR OF FEMALES

During the fiscal year a new section was added to Article 12, which has been of material benefit in enforcing the provisions regarding the employment of females over sixteen years of age. I refer to section 161-a, which requires that a printed notice in a form which shall be furnished by the Industrial Commission, stat-

ing the number of hours per day for each day of the week required of all employees enumerated in section 161, and the time when their work shall begin and end, shall be kept posted in a conspicuous place in each establishment. Formerly there were undoubtedly numerous instances where females were compelled to work more than the legal number of hours per day or per week, and we were unable to prove these violations unless the employee would make an affidavit to that effect. With this amendment to the law it is only necessary, in order to prove a violation, to find them working before or after the posted hours. While this amendment has only been in effect a short time, it has proved of inestimable benefit to thousands of female employees who were formerly compelled to work longer hours than the law required, and also to the Department which now has less difficulty in establishing a violation.

The posting of hours in mercantile establishments has greatly increased the amount of work the inspectors have to perform, and I have reason to believe that while we will achieve greater results from the effects of this work, the number of inspections we will be able to make will be decreased. At present section 161, subdivision 2, only regulates the hours of women in mercantile establishments. This section should be amended so as to regulate the hours of females employed in restaurants, theaters and other places of amusement. The only provision now made for female employees in restaurants is that of providing seats and the time allowed for meals, and as the Legislature has seen fit to recognize the importance of these conveniences, it should go a step further in regulating the number of hours they may be employed, and also include that they shall not work more than six days in a calendar week. In theaters and other places of amusement the employment of females as ushers and ticket sellers is constantly increasing, and as there is no regulation of the hours, they are required in many instances to work longer hours and later in the evening than females employed in mercantile establishments. There should be no discrimination in the hours of labor required of women employed in factories, mercantile establishments and other places of employment, and I am of the opinion that if the hours of women employed in restaurants and theaters were regulated by law, we would obtain a more ready compliance from those whom the law now affects.

**LUNCH HOURS**

In establishments where employees are required to work after seven o'clock in the evening, section 161, subdivision 3, provides that they shall be allowed not less than twenty minutes to obtain lunch or supper. This should be amended so as to provide for not less than forty-five minutes for the evening meal, as the time now provided for such purpose is far too short for any person to leave his place of employment, obtain supper and return to work.

**DAY-OF-REST LAW**

We are held responsible for the enforcement of section 8-a of Article 2, commonly called the day-of-rest law, in mercantile establishments in all villages and cities throughout the state, and in order to accomplish this we were obliged to take a number of our inspectors from the regular districts and send them out on this work. In the various cities and villages throughout the state there are more mercantile establishments than factories, and with our limited force of inspectors it is impossible to do justice to the enforcement of the provisions of this law. The amount of work to be done in connection with this section is almost inconceivable; we are required to furnish a personal notice on the merchant requiring him to comply with the law, to see that a schedule of all persons working on Sundays is posted in his establishment, and that a copy of the same is filed with the Department. In order to secure a compliance with this law, the inspector is compelled to visit these establishments on Sunday to observe that the notice is posted, and also on a week day to learn if the employee is receiving his twenty-four hours rest period. During the past year 2,480 inspections were made in 150 third class cities and villages having a population of 2,000 and over, and 58 prosecutions were begun; the total number of hours spent in this work, including traveling, was 1,924 hours or 240 days.

Since July we have been compelled to confine ourselves to our regular duties in first and second class cities, and no inspections in the third class cities and villages have been made since that time. I would recommend that this section be amended to include employees working in restaurants, theaters and other places of amusement. During the past year we have received numerous

complaints of the long hours required of persons working in restaurants, and also that they receive no day of rest. This is practically the only section under our jurisdiction from which male employees derive any benefit, and, therefore, should be amended to include other kinds of business besides factories and mercantile establishments. In our work of enforcing the provisions of section 8-a in the villages and cities other than those of the first and second class, we have discovered that there has been no effort made by the local authorities to enforce the law in regard to the employment of women and children, and in many instances on inspections being made, we found that children under the legal age were employed from 60 to 80 hours a week. The hours of females over sixteen years of age employed in these places were also more than the legal number allowed per week, and in many instances I recollect they were working fourteen hours a day and seven days a week.

Many complaints were made because of this condition by employees, who wondered why they were not entitled to the protection of the state as well as the people in first and second class cities. Toilet facilities also are far from being perfect, and I urgently recommend that for the benefit of the women and children employed throughout the state, section 172 be amended so as to place the authority for enforcing the provisions of Article 12 in all villages and cities with the State Industrial Commission.

#### SANITARY CONDITIONS AND CONVENiences

With the adoption of the rules and regulations of the Industrial Code, relative to sanitary conditions in mercantile establishments, our duties were greatly enlarged. While the Code and the Labor Law provide for certain conditions, we are unable to enforce them inasmuch as the law fails to define whether the owner or tenant is responsible for a compliance. Much valuable time is wasted in endeavoring to secure a compliance with orders issued, often without results. This is a very important matter, and I recommend that the law be amended so as to place the responsibility.

In recommending this amendment to the law, I would suggest that we be given jurisdiction over sanitary conditions and conveniences in all establishments enumerated in section 161. During

the past year 11,814 orders relative to water closets were issued, and 10,508 compliances were secured; 843 orders were issued to provide water closets and 738 were complied with; 302 orders were given to provide washing facilities, and 210 compliances were secured.

#### PROSECUTIONS

On October 1, 1914, there were 39 prosecutions pending in court; 36 in New York City, 1 in Rochester and 2 in Albany. All were disposed of during the fiscal year as follows: Three dismissed by magistrate; 2 dismissed or acquitted in Special Sessions; 15 pleaded guilty, sentence suspended; 8 pleaded guilty, fined; 3 convicted, sentence suspended; 7 convicted, fined; 1 bail forfeited; amount of fines, \$330; bail forfeited, \$25. During the fiscal year 1914-1915, there were 780 cases where prosecutions were presented to the court: New York City, 653; Buffalo, 33; Rochester, 5; Syracuse, 9; Albany, 10; Yonkers, 4; Schenectady, 2; Troy, 3; Utica, 3; and third class cities, 8-a violations 58. The New York City cases were divided by boroughs as follows: Manhattan, 313; Brooklyn, 262; Bronx, 68; Queens, 9; Richmond, 1. Of the 780 cases begun during the year, 737 were disposed of as follows: Thirty-four dismissed by magistrate; 13 dismissed or acquitted, Special Sessions; 7 dismissed or acquitted by jury; 4 withdrawn; 361 pleaded guilty, sentence suspended; 197 pleaded guilty, fined; 58 convicted, sentence suspended; 63 convicted, fined. The amount of fines imposed, \$5,502; adding to this the fines in the cases pending from the preceding year, \$330, and forfeited bail, \$25, makes a total of \$5,857 in fines for the year.

In five cases second offense was alleged; four involving the employment of children and one for employing females over 54 hours; 3 pleaded guilty, fined; 2 were convicted and fined. Of the total of 780 cases for the year, 288 were for the failure to comply with the provisions of section 8-a, providing for a day of rest, and 371 involved the employment of children.

In conclusion, I desire to say that ample proof for the necessity of the enforcement by the Department of Labor of the laws relating to the employment of women and children in the establishments enumerated in section 161, has been shown by the results accomplished by the Division of Mercantile Inspection in the seven

years that this Division has been in existence. If the recommendations contained in this report meet with your approval, and are presented to the Legislature in the form of amendments to the law, much that now remains to be desired in properly enforcing the law without discrimination will be accomplished.

F. L. FISHER,  
*Acting Chief Mercantile Inspector.*

WORK OF DIVISION OF MERCANTILE INSPECTION

	YEAR ENDED SEPTEMBER 30			
	1912	1913	1914	1915
<b>Regular inspections:</b>				
Mercantile.....	7,383	10,265	22,778	23,367
Office.....	146	855	1,149	380
Hotel.....	12	27	39	17
Bowling alleys.....	165	364	343	57
Places of amusement.....	47	98	103	106
Barber shops.....	.....	84	63	55
Shoe polishing stands.....	.....	60	46	24
<b>Total.....</b>	<b>7,753</b>	<b>11,753</b>	<b>24,521</b>	<b>24,006</b>
<b>Special inspections:</b>				
Mercantile.....	620	1,075	4,957	4,880
Office.....	6	15	83	105
Hotel.....	.....	5	2	17
Bowling alleys.....	8	4	39	1
Places of amusement.....	8	8	12	5
Barber shops.....	.....	.....	.....	4
Shoe polishing stands.....	.....	.....	10	6
<b>Total.....</b>	<b>642</b>	<b>1,107</b>	<b>5,103</b>	<b>5,005</b>
<b>Investigations:</b>				
Complaints.....	235	253	913	1,167
Compliances.....	3,090	4,476	21,472	20,672
<b>Total.....</b>	<b>3,325</b>	<b>4,729</b>	<b>22,385</b>	<b>21,839</b>

## WORK OF MERCANTILE INSPECTORS, BY LOCALITIES

	INVESTIGATIONS OF							
	Regular		Special		Complaints		Compliances	
	inspections	1914	1915	1914	1915	1914	1915	1914
New York City.....	17,273	13,858	2,407	4,593	771	1,021	16,801	15,545
Buffalo.....	984	3,181	19	156	26	41	450	1,100
Rochester.....	821	912	55	30	72	45	377	470
Total, first class cities.	19,078	17,951	2,481	4,779	869	1,107	17,628	17,115
Albany.....	550	449	46	42	13	4	604	523
Schenectady.....	603	492	36	17	4	5	488	501
Syracuse.....	771	1,387	23	50	26	31	681	521
Troy.....	356	405	32	69	.....	.....	343	514
Utica.....	485	399	41	7	.....	4	532	280
Yonkers.....	270	443	36	31	.....	7	393	880
Other places*.....	2,408	2,480	.....	10	1	9	803	388
Grand total.....	24,521	24,006	2,695	5,005	913	1,167	21,472	20,672

## ORDERS AND COMPLIANCES

SUBJECT	Orders issued	Orders complied with
<b>I. ADMINISTRATION</b>		
Posting of laws, permits, notices, etc.....	4,248	3,894
Keeping of records, registers, etc.....	9	9
<b>II. SANITATION</b>		
Toilet facilities:		
Water closets.....	11,843	10,540
Wash rooms.....	744	516
Dressing rooms.....	288	203
Cleanliness or repair of workrooms, halls, etc.....	819	488
Meals.....	182	171
Drinking water and drinking cups.....	3	3
<b>III. ACCIDENT PREVENTION</b>		
Machinery.....	3	1
<b>V. CHILDREN</b>		
From 14 to 16 years of age:		
Hours.....	300	298
<b>VI. WOMEN AND MALE MINORS</b>		
Hours.....	1,562	1,518
Seats for women.....	49	31
<b>VII. MISCELLANEOUS</b>		
Day of rest.....	2,281	2,274
Deduction, from salaries, of premiums for sick or death benefit funds.....	5	5
Manufacturing and labeling mattresses.....	3	2
Total.....	22,339	19,953

\*Enforcement of one day of rest in seven law.

## CHILDREN FOUND IN MERCANTILE ESTABLISHMENTS

	14 TO 16 YEARS OF AGE, EMPLOYED —				Under 14 years (illegally em- ployed)				TOTAL UNDER 16			
	LEGALLY											
	Boys	Girls	Illegally	em- ployed)	1915	1914	1913	1912	1915	1914	1913	1912
New York City.....	1,083	798	1,065	614	3,560	5,731	5,671	3,746				
Bronx.....	52	4	121	109	286	442	417	113				
Brooklyn.....	269	218	249	185	971	854	1,007	1,191				
Manhattan.....	726	568	668	356	2,318	4,379	4,103	2,439				
Queens.....	35	8	19	13	75	44	127	17				
Richmond.....	1	.....	8	1	10	12	17	6				
Buffalo.....	172	9	174	54	409	565	581	585				
Rochester.....	157	167	28	3	355	149	542	594				
Total — First class cities: 1915..	1,412	974	1,267	671	4,324	.....	.....	.....				
1914..	2,073	2,341	1,353	678	.....	6,445	.....	.....				
1913..	2,062	1,972	1,820	940	.....	.....	6,794	.....				
1912..	1,320	1,503	1,346	756	.....	.....	.....	4,925				
Albany.....	30	23	31	17	101	185	*	*				
Schenectady.....	4	.....	15	4	23	115	*	*				
Syracuse.....	65	4	49	15	133	369	*	*				
Troy.....	9	.....	27	9	45	88	*	*				
Utica.....	33	4	15	9	61	222	*	*				
Yonkers.....	10	1	14	1	26	70	*	*				
Total — All cities: 1915....	1,563	1,006	1,418	726	4,713	.....	.....	.....				
1914....	2,347	2,540	1,761	846	.....	7,494	.....	.....				

\* Enforcement of the Labor Law in mercantile establishments in second class cities was transferred to the Department of Labor on March 28, 1913.

## PROSECUTIONS UNDER THE MERCANTILE LAW

RESULTS TO SEPTEMBER 30, 1915

SUBJECT OF LAW VIOLATED	No. of cases	Pend- ing	with- drawn*	CONVICTED		Fined	Fines
				Dis- missed, acquitted	Sen- tence		
<i>(A) Proceedings Instituted before October 1, 1914</i>							
I. ADMINISTRATION							
Interfering with inspector.....	1	.....	.....			1	\$20
V. CHILDREN							
Under 14 years of age.....	10	.....	.....	6	†4	†115	
From 14 to 16 years of age:							
Certificates.....	8	.....	1	5	2	40	
Hours.....	1	.....	.....	1	.....	.....	
VI. WOMEN AND MALE MINORS							
Hours.....	1	.....	.....	1	.....	.....	
VII. MISCELLANEOUS							
Day of rest.....	18	.....	4	5	9	180	
Total.....	39	.....	5	18	16	\$355	
<i>(B) Proceedings Instituted in Current Year</i>							
I. ADMINISTRATION							
Interfering with inspector.....	4	.....	.....	2	2	\$65	
II. SANITATION							
Toilet facilities:							
Water closets.....	2	.....	1	1	.....	.....	
V. CHILDREN							
Under 14 years of age.....	117	12	(2) 3	67	33	685	
From 14 to 16 years of age:							
Certificates.....	130	6	5	92	27	600	
Hours.....	123	5	(1) 5	76	36	767	
Prohibited occupations.....	1	.....	.....	1	.....	.....	
VI. WOMEN AND MALE MINORS							
Hours.....	115	8	11	48	48	1,052	
VII. MISCELLANEOUS							
Day of rest.....	288	12	(1) 29	132	114	2,333	
Total.....	780	43	(4) 54	419	260	\$5,502	
Grand total.....	819	43	(4) 59	437	276	\$5,857	

\* Figures in parentheses denote cases withdrawn.

† Includes one case in which bail of \$25 was forfeited.

## DISTRIBUTION OF PROSECUTIONS BY KINDS OF BUSINESS

KIND OF BUSINESS	NUMBER OF PROSECUTIONS FOR VIOLATION OF LAW CONCERNING —				Total
	Chil- dren	Women	San- itation	Day of rest	
Groceries.....	101	3	.....	79	*185
Confectionery.....	14	25	.....	64	103
Fruits and vegetables.....	57	.....	.....	7	64
Meats.....	49	9	1	.....	59
Dry goods.....	5	25	.....	11	41
Bakeries.....	22	13	.....	6	41
Women's wearing apparel.....	3	20	.....	9	133
Men's clothing and furnishings.....	3	2	.....	27	32
Delicatessen.....	7	.....	.....	25	32
Laundries.....	22	.....	.....	.....	22
Flowers.....	4	.....	.....	17	21
Cigars.....	1	.....	1	16	18
Shoes.....	4	2	.....	8	14
Dairy products.....	9	.....	.....	2	11
Shoe polishing establishments.....	9	.....	.....	1	10
Places of amusement.....	8	.....	.....	.....	8
Three, nine and nineteen-cent stores.....	1	5	.....	1	7
Five and ten cent stores.....	4	3	.....	.....	7
Barber shop.....	7	.....	.....	.....	7
Department stores.....	3	3	.....	.....	6
Bowling alleys.....	5	.....	.....	.....	5
Wines and liquors.....	4	.....	.....	.....	4
Hardware.....	4	.....	.....	.....	4
Hats.....	.....	1	.....	3	4
Tea and coffee.....	3	.....	.....	.....	3
Drugs.....	3	.....	.....	.....	3
Dyeing and cleaning.....	3	.....	.....	.....	3
House furnishings.....	2	1	.....	.....	3
Notions and novelties.....	.....	1	.....	1	2
Tailor.....	2	.....	.....	.....	2
Automobiles.....	.....	.....	.....	2	2
Postal cards.....	.....	1	.....	1	2
Fish.....	.....	.....	.....	2	2
Music.....	1	.....	.....	1	2
Newspaper distributing.....	1	.....	.....	.....	1
Window glass.....	1	.....	.....	.....	1
Photographer.....	1	.....	.....	.....	1
Jewelry.....	1	.....	.....	.....	1
Children's wear.....	1	.....	.....	.....	1
Delivery.....	1	.....	.....	.....	1
Macaroni.....	1	.....	.....	.....	1
Furniture.....	1	.....	.....	.....	1
Five, ten and twenty-five cent store.....	1	.....	.....	.....	1
Wholesale stationery.....	1	.....	.....	.....	1
Bicycles.....	1	.....	.....	.....	1
Trimmings.....	.....	.....	.....	1	1
Raincoats.....	.....	.....	.....	1	1
Periodicals.....	.....	.....	.....	1	1
Leather findings.....	.....	.....	.....	1	1
Orange juice.....	.....	.....	.....	1	1
Hairdressing establishments.....	.....	1	.....	.....	1
Paints, etc.....	.....	.....	.....	.....	†1
Total.....	371	115	2	288	1780

\* Includes two cases for interference with inspector.

† Includes one case for interference with inspector.

‡ Includes four cases for interference with inspector.

SUBJECT II. SANITATION	COMPLAINTS		Not sustained	Total Thereof anonymous
	Sustained	.....		
<b>Toilet facilities:</b>				
Water closets.....	38	29	67	25
Wash rooms.....	4	1	5	.....
Dressing rooms.....	1	.....	1	.....
Cleanliness or repair of workrooms, halls, etc.....	13	10	23	12
Ventilation.....	3	4	7	4
Meals.....	4	3	7	5
<b>CHILDREN</b>				
Under 14 years of age.....	42	73	115	59
From 14 to 16 years of age:				
Without certificates.....	28	54	82	29
Hours.....	46	81	127	77
<b>WOMEN AND MALE MINORS</b>				
Hours.....	141	218	359	264
Employment of women in basement.....	1	.....	1	.....
Seats for women.....	2	1	3	.....
<b>MISCELLANEOUS</b>				
Payment of wages.....	3	.....	3	.....
Day of rest.....	208	159	367	278
<b>Total</b>	1915.....	534	633	1,167
	1914.....	447	466	913
	1913.....	145	108	253
	1912.....	95	140	235
	1911.....	122	100	222
	=====	=====	=====	=====

## (5) REPORT OF DIVISION OF INDUSTRIAL HYGIENE

### (A) REPORT OF THE DIRECTOR

*To the First Deputy Commissioner:*

I herewith submit my report as Director of the Division of Industrial Hygiene for the year ending September 30, 1915. The reports of the chief medical inspector, the chemical engineer, the fire prevention engineer of the second district, and the tunnel inspectors, are attached and submitted as a part of the report.

At this date, no report has been received from the mechanical engineer or the fire prevention engineer of the first district.

#### Organization

By order of the Commissioner of Labor, on October 1, 1914, the civil engineer was relieved from the supervision of the Director, and placed in charge of a newly created division.

On October 1, 1914, Mr. William T. Doyle was appointed mechanical engineer. On November 1, 1914, Dr. Rosalie Bell was appointed medical inspector. During the year, Edward W. Hines, special investigator assigned to railroad work, resigned. On September 30, 1915, Robert N. Wood, special investigator, died. He had been assigned to investigation of the conditions affecting the health of colored workers. Mr. Wood was especially well qualified to conduct an investigation of this nature, and his work is deserving of commendation.

The personnel of the Division consisted of chief medical inspector, acting as Director, chemical engineer, mechanical engineer, two fire prevention engineers, and secretary. Attached to the Division were the following: the Medical Section consisting of two male medical inspectors, one female medical inspector, and one factory inspector acting as medical inspector; two factory inspectors, six special investigators, two tunnel inspectors and one confidential agent.

#### Assignment

In order to facilitate routine work, the state was divided into two districts, the first comprising Greater New York, Long Island, and the counties on both sides of the lower Hudson. The second district comprised all other counties.

Fire Prevention Engineer Gillespie was assigned to the first district, and Fire Prevention Engineer Quigley to the second. Dr. Roos was given charge of medical inspection work in the first district, and Dr. Lanahan in the second. A special investigator was assigned to the chemical engineer, mechanical engineer, and the fire prevention engineer of the first district. Special Investigator Quirk was assigned to railroad inspection work in the first district and Special Investigator Hines in the second.

#### Office

In May, 1915, the main office of the Division was moved to Albany, the secretary and records being there permanently, and a sub-office maintained in New York City, the mechanical engineer, chemical engineer and fire prevention engineer being located there. With the reorganization of the Department, and the establishing of the main office of the Industrial Commission in New York City, it is apparent that the office of the Division should also be in New York City. The greater part of the personnel is situated in the first district, as are also the administrative bureaus of the Department. Time is lost, and expenses are incurred through sending reports, and traveling, to and from the Albany office. I would recommend that the office of the Division be located in New York City.

#### Exhibit

With the assistance of the members of the Division, an exhibit on industrial hygiene was prepared for the exposition at San Francisco. The exhibit consisted of photographs showing modern methods for safeguarding the workers from dangerous or poisonous dust, fumes, gases and vapors; guarding of machinery; sanitary conveniences; lighting; ventilation and general sanitation, as well as protective devices to be worn. There was also a stand containing a large number of samples of dust from various industries, showing their analyses and their dangerous qualities.

### Summary

A summarized report of the work of the attachés is as follows:

Surveys . . . . .	938
Special inspections . . . . .	3,677
Tunnel inspections . . . . .	227
Tunnel observations . . . . .	137
Caisson inspections . . . . .	6
Caisson observations . . . . .	3
Complaint investigations . . . . .	116
Compliance visits . . . . .	631
Miscellaneous matters . . . . .	4,248
Adult physical examinations . . . . .	2,288
Children's physical examinations . . . . .	320

### Activities of Investigators

When the explosives section of the law went into effect, six special investigators were assigned to the Bureau of Explosives, for the purpose of making a survey of powder magazines throughout the state. This work extended from June to September.

The investigation of the printing industry was continued.

With a view toward making a special investigation of the use of gas apparatus, and its effect upon the health of operators in the garment industry, an investigator thoroughly familiar with the trade was assigned to making preliminary visits to shops in this industry.

Upon request, investigators were assigned to work for the civil engineer's division, and for the factory inspection division, first district, from October, 1914, to January, 1915.

A special investigation as to the installation of exhaust systems in polishing rooms in New York City was assigned to Special Investigator Smith and Factory Inspector Farrell. The result of their inspections was especially gratifying, as follows:

Shops visited . . . . .	6,8
Exhaust systems tested . . . . .	132
Orders to reconstruct . . . . .	22
Orders for systems . . . . .	15
Prosecutions . . . . .	4

The summary of the investigations indicates the effectiveness of the present sections of the law relating to grinding and polishing, and also the close application of the law by the inspection bureau.

Even a most efficient factory inspector may not be an expert on exhaust systems. The result of the visits is, in my opinion, sufficient evidence to warrant specially trained inspectors being assigned to special work relating to testing of exhaust systems.

#### Chemical Engineer

A large part of the chemical engineer's attention was devoted to installation of local exhaust systems (especially where the material was of a dangerous or poisonous nature) inquiry as to cause of explosions, and also photographic work. This field work limited his time for laboratory work and the special inspection of chemical plants.

The report of the chemical engineer demonstrates the necessity of laboratory procedure in connection with the enforcement of the labor laws and the great assistance rendered in solving the problems of proper compliance with orders issued by the various bureaus. In order to work effectively and economically, laboratory facilities should be provided in the upper part of the state. Rochester University has placed at our disposal its laboratory facilities for use by the division when necessary. This courtesy deserves the appreciative thanks of the Department. Provision should be made for permanent facilities.

Attention is called to the economy practiced in operating the laboratory, but, as has been noticed by the chemical engineer, to do proper work it is necessary to have apparatus. I would request that an appropriation be made for securing apparatus asked for. The photometer is especially necessary for use in studying the question of standards of lighting.

#### Fire Prevention Engineers

The work of the fire prevention engineer in New York City has been done principally for the Industrial Board and the Chief Factory Inspector of the district with relation to fire alarm installations and plans for fire escapes and exits. For assistance in routine matters, a special investigator was assigned to work under the fire prevention engineer.

In the second district, the work of the fire prevention engineer has been largely field work, necessitating personal visits to build-

ings upon request of the Commission and Chief Factory Inspector of the district, as well as special assignments from the Director with reference to fires or explosions.

In company with the chemical engineer, a special investigation was undertaken with reference to the use of benzine in dyeing and cleaning establishments.

Industrial conditions in the second district differ quite some from those in the first district. Congestion is not so great, and there are a large number of industries, especially chemical industries, which are not found in the first district. Regulations should be formulated not entirely upon city classification but rather with reference to the other attendant circumstances which may be found.

#### **Mechanical Engineer**

To the mechanical engineer were assigned the examination and approval of plans submitted for installation of exhaust systems. The law is not mandatory in requiring plans to be submitted. The submitting and approval of plans is of benefit both to the manufacturer and the state, as has been demonstrated during the special investigation of exhaust systems in polishing shops. It is economy to the manufacturer in that he secures expert advice before installation and secures an efficient system before there is any financial outlay. The state obtains records of statistical value and safeguards the health of the workers through proper installations.

Many of the orders issued to reconstruct systems could have been obviated had plans been filed with the Department before installation.

Under the supervision of the mechanical engineer, machinery accidents reported to the Department were investigated, and proper safeguards recommended.

The examination and approval of safety appliances on elevators and elevator gates were referred to the mechanical engineer. Most of the appliances were of the electrical type.

During the past few years, electricity as a motive power has gradually replaced steam and gas. In the use of electricity, there are the dangers of accident and fire. A large part of the time of the mechanical engineer has been devoted to questions involv-

ing the use of electricity, thereby limiting the time applicable to questions intimately related to machinery hazards and safeguards.

In my opinion, the questions and problems presented to the Department, wherein electricity is a factor, should be referred to an engineer devoting his time entirely to this subject. The number of such references to the Department warrants the creating of the position of electrical engineer. In the British factory inspection service such a position has existed for a number of years. I would respectfully recommend an appropriation for, and the appointment of, an electrical engineer.

#### Railroad Survey

Owing to the large territory covered, and the number of roads involved, inspection with reference to sections 6 and 7 of the Labor Law was confined principally to electric lines, except upon complaint.

The work being entirely new, it became necessary to complete the preliminary survey undertaken the previous year. The result of the survey showed violations in almost every case. Many of them were technical, due to misinterpretation of the law, and after conference with the operating heads the schedules were changed to comply with the law.

In the case of the Interboro Rapid Transit, a question of application of the law as to employees in the draughting division was referred to counsel, and an agreement made to take it to the Supreme Court. In the second district, the application of the law with reference to lines operating outside of cities of the first class was questioned and the matter was referred to counsel.

The inspectors showed that the intent of section 6 is not carried out with swing runs. Motormen and conductors may be employed with very little time for themselves, and yet the law be complied with.

#### Compressed Air Work

The work of the tunnel inspectors is confined principally to New York City. During the year, work requiring the use of compressed air was very light, but with the beginning of new subway routes, it will undoubtedly be quite extensive during the coming year.

The following up of accident reports is important. Delay in the reporting of accidents is a step towards increase in number. I would recommend that the tunnel inspectors be provided with copies of each accident report within forty-eight hours after occurrence of the accident.

As a result of personal visits to the tunnels, and conferences of contractors and the tunnel inspectors, my opinion is that the law does not fully cover modern subway construction. I would respectfully recommend that a conference be held for the purpose of revising the rules and regulations applicable to tunnel work.

With a view toward studying compressed air illness, Tunnel Inspector Werner has begun a study of the relation of humidity and ventilation to compressed air illness, assisted by Medical Inspector Roos.

Electricity now plays a large part in tunnel work, and with the high voltage used, there is an increased danger. Tunnel Inspector Steers has been assigned to make a special investigation along this line, and has prepared a pamphlet on the dangers of electricity in tunnel work.

#### Conferences

During the year, the Department was represented and papers were presented at meetings of the National Association of Governmental Officials, American Public Health Association, National Association of Fire Engineers, at the Conference on Charities, and the Safety Conference of the Pennsylvania State Department of Labor and Industry.

The campaign of education by means of illustrated lectures and talks before civic associations and medical schools was continued. This is an important part of the work of the Division, and I would respectfully recommend an appropriation for educational work.

In conclusion, I desire to commend the attachés of the Division for their work.

C. T. GRAHAM-ROGERS,

*Director.*

## (B) REPORT OF CHIEF MEDICAL INSPECTOR

*To the First Deputy Commissioner:*

I herewith submit my report as Chief Medical Inspector in charge of the section of Medical Inspection for the year ending September 30, 1915.

Owing to a large part of my time being spent in connection with administrative affairs as Director of the Division of Industrial Hygiene, it was impossible to give as much personal attention to medical inspection alone as I would have desired.

The personnel of the Section includes Medical Inspectors Doctors Lester L. Roos, Rosalie Bell, and Joseph Lanahan, and Dr. Nathan Schwartz, Factory Inspector, acting as Medical Inspector.

In order to facilitate routine work, the state was divided into two districts, the first comprising that portion south and east of Albany, the second district, the other portions of the state; also the following assignments were made: Dr. Roos, in charge of the First District, attached to the New York City office; Dr. Lanahan, in charge of the Second District, attached to the Albany office; Dr. Bell, assigned to special investigation of women in the industries; Dr. Schwartz, assigned to medical inspection and physical examination of workers in connection with visits of chemical, mechanical and fire prevention engineers. Drs. Bell and Schwartz were attached to the New York City office.

In addition to the visits of the medical inspectors, I personally visited a large number of factories, also tunnels and other places, to hold conferences in matters upon appeals, also upon request from manufacturers for advice or instruction in matters of industrial hygiene. These visits served to increase the spirit of co-operation between employees, employers and the Department of Labor.

The work of medical inspection is closely associated with the work of the chemical engineer. Many of the references to the Division of Industrial Hygiene had as a basis the question of the effect of the process or materials upon the health of the worker. Therefore, during the latter part of the year, Dr. Schwartz was assigned to co-operate with the chemical engineer. By this arrangement, where harmful conditions, as well as impaired

health among the workers, were discovered, accurate, scientific data would be secured, and unbiased conclusions with proper recommendations submitted.

The chief duties of the medical inspectors are: (1) Investigation of industrial diseases reported by private physicians, hospital physicians and factories; (2) supervision of child labor in factories and mercantile establishments through (a) supervision of the issuance of employment certificates by local boards of health and health officers, and (b) physical examination of children employed in factories and mercantile establishments; (3) investigation of dangerous trades and physical examinations of workers therein employed to determine the effect upon the health of the workers; (4) investigations of complaints made by factory inspectors and others relative to the unhygienic conditions existing in factories and mercantile establishments; and (5) written and detailed reports of all investigations made and recommendations whereby the unhygienic or dangerous conditions can be corrected or eliminated.

To properly investigate industrial diseases and poisonings it is absolutely necessary to employ the services of those who are familiar with factory conditions, possess a knowledge of industrial processes, and in addition have made a special study of industrial diseases and have had some years experience in general practice. Such inspectors are able to determine whether or not the pathological conditions found are the result of industrial conditions, such as exposure to irritating or poisonous fumes and gases, handling of poisonous or corrosive substances, inhalation of vitiated or impure air, extremes of humidity or temperature; or of conditions which may be already present in the worker, such as tuberculosis, syphilis, arterial or cardiac disease, nephritis, alcoholism.

Take lead poisoning, for example. The inspector must be able to differentiate the paralysis of lead poisoning from that of alcoholic neuritis or poliomyelitis, the cachexia from that of tuberculosis, nephritis or carcinoma, the blue line on the gums from the ordinary congestion secondary to gingivitis and pyorrhoea alveolaris. This naturally necessitates a knowledge of such conditions gained only by clinical experience.

While undoubtedly these investigations cannot be intelligently conducted save by those who are familiar with factory conditions, and have had years of experience in medical work, and made a particular study of industrial diseases, yet to insure satisfactory results and to make intelligent and practical recommendations, it is advisable to obtain the assistance of those who have had experience in factories, and in addition are skilled in chemistry, physics and mechanics. This necessitates the co-operation of chemical, mechanical and civil engineers, whose talents have been developed by years of practical experience, and who are able to make valuable suggestions regarding systems of ventilation, safeguarding of machinery, and devise various protective apparatus for the safety of the workers.

These devices and various apparatus are designed in a laboratory specially equipped for the purpose. Here also are made numerous chemical tests of dust and wall and floor scrapings obtained from various factories to determine the presence of different poisons, such as lead, arsenic, etc., which may be injurious to the health of the workers. Various products are analyzed to determine whether or not they contain substances which may be injurious. Specimens of urine, obtained from workers whose appearance suggests lead poisoning, are analyzed to determine the presence of lead. Microscopic examinations of blood obtained from these same workers are also made to determine the stippling of the red cells, which, when considered with other findings, give an absolute diagnosis of lead poisoning.

When both clinical and laboratory observations enable the inspector to make a positive diagnosis, and the fact is also established that the worker developed such a condition in the factory, a written or detailed report is made stating the above facts, including recommendations whereby these conditions can be corrected.

While the average factory inspector is undoubtedly well trained and efficient and able to recognize faulty conditions, and violations of the labor laws found in the factories, he has no knowledge whatever of the physical condition of the workers and cannot possibly recognize pathological conditions when he sees them. His duties are chiefly the enforcement of the labor laws regarding the hours of labor, prohibition of certain employments;

safeguarding of machinery, fire protection, etc. But his duties are doubly valuable when co-operating with those who are able to recognize the effects of such violations and make recommendations whereby they can be corrected.

#### Supervision of Child Labor in Factories

To properly supervise the issuance of employment certificates, it is necessary to know just what conditions are required for the issuance of same, namely, suitable evidence that the applicant is at least fourteen years of age, has sufficient education and is in sound physical condition. The last condition can be determined only by a doctor of medicine who can easily recognize a pathological condition when present, and will therefore refuse a certificate upon that ground.

The state demands that all children before obtaining employment shall be of suitable age, in possession of adequate education and in good physical condition. By regulating their hours of labor; prohibiting their employment in certain trades, occupations and industries detrimental to health or morals, and by frequent inspections and physical examinations by the medical inspectors, the state endeavors to insure and maintain their good health, morals, comfort and well-being. Physical examinations of children can therefore be performed by medical inspectors alone, who, as physicians, are familiar with pathological conditions and, having a knowledge of factory conditions in addition, can determine whether such pathological lesions are the result of the occupation wherein the child is engaged.

Under the provisions of sections 75 and 166, preliminary visits were made to health officers with a view toward standardizing the work of issuing employment certificates. To visit each health officer separately would prove an enormous task; therefore, the co-operation of the State Department of Health was sought, so that when conferences of health officers were held by the sanitary supervisors, a medical inspector could be present; so far no such conferences have been held.

The results of visits made to health officers showed the necessity for proper supervision, and warranted the compilation of standard instructions. There has been prepared by the medical

section, a pamphlet of instructions to health officers on the proper issuance of employment certificates.

Many of the health officers visited were found to receive a very small remuneration in proportion to the amount of work required of them. Proper remuneration is a great incentive toward securing accurate records, and I would recommend legislation toward granting a fee to health officers issuing employment certificates.

Through conferences a hearty spirit of co-operation between local health officers and the Labor Department has been secured.

In New York City all applicants for employment certificates apparently over sixteen years of age were referred by the Health Department to the Labor Department for attention. To properly decide these cases, a physical examination was often necessary, and much of the medical inspectors' time was devoted to the sub-office in New York City in connection with this work. In my opinion, section 71 of the Labor Law clearly places this entire matter in the hands of the local health officers, and after several conferences, the New York City Health Department agreed to handle the entire matter, beginning October 1st, 1915. By this arrangement the inspectors as well as the clerical force in New York City will be enabled to devote more time to strictly departmental work.

The number of children examined in the factories was few, owing to the fact that a routine method for following this phase was just being perfected. A number of industries were visited, where as medical inspector I had personally found many children and the last statistics had shown children. In the majority of places visited, few or none were found, and in the routine visits of the medical inspectors but few were found. The following routine has been adopted: Immediately after the factory inspection card is examined by the Bureau of Statistics, a card containing the firm's name and the number of children employed is forwarded at once to the medical section, and referred to the medical inspector of the district for attention. This routine has only been effective the last few weeks, so that we may expect greater results with a large saving of time for the ensuing year.

A large number of canneries were personally visited during the summer and Dr. Bell, during the course of her investigation,

paid special attention to children. But few places were found not complying with the law. These were very small canneries in remote parts of the state.

#### Occupational Diseases

The investigation of occupational diseases, and recommendations for prevention, cure or remedy, are essentially the duty of a physician and properly belong to medical inspection, and the following up of occupational diseases has been referred to, and is carried on by the Section of Medical Inspection.

A large part of the time of the medical inspectors has been given to this work, and the results have fully warranted the time spent in this service. A number of manufacturers have requested conferences with the medical inspectors, and plant physicians have been installed. Physicians and hospitals were visited, and the purpose of the law explained, thus securing effective co-operation. A number of hospitals in Greater New York availed themselves of the Department's offer and conferred with the medical inspectors upon doubtful cases.

Special attention was given to lead poisoning, and the Department leaflet on lead poisoning was widely distributed. A number of industrial poisonings not required to be reported were received, and have opened up new fields for investigations.

When found necessary, orders were issued for providing safeguards, and in many instances, compliance was secured at once, without the issuance of a formal written order.

The results of the visits of the medical inspectors have demonstrated the fact that medical inspection of factories is essential to the proper enforcement of labor laws, also that industries wherein lead is manufactured or used, as well as chemical industries, should have attending physicians. I would recommend to the Industrial Commission the enactment of such a regulation.

Investigations on the following subjects were undertaken by the Section of Medical Inspection:

*Printing.* This was supplemental to an investigation being carried on by Special Investigator McArdle.

*Mattress Making.* A number of complaints relating to violations of section 392a of the General Business Law were referred

to the Section for attention. A special investigation was undertaken by Dr. Roos, and new legislation recommended.

*Anthrax.* The virulent nature of this infection and large number of cases reported warranted the assignment of Dr. Lanahan to make a special study of this disease; the investigation is not as yet completed.

*Dyers and Cleaners.* Owing to the use of benzine and naphtha, and its known toxic properties, a special investigation of the effect upon workers in this industry was made in connection with the chemical engineer; also investigations as to the dangers of explosions in the same industry.

*Use of Briquettes as Fuel.* Upon request of the locomotive firemen's organization, with the co-operation of the Erie Railroad, Dr. Roos and Mr. Vogt made an exhaustive study of the effect upon the firemen of the use of briquettes, a form of coal made with coal dust. This was an exceptional investigation, in that it required observation on a moving locomotive, but is of value in that briquettes are also used for stationary boilers, and the findings would be the same in both cases. The findings of the Department were favorably accepted by the railroad company. This investigation further demonstrated the wide and valuable work of the medical inspectors.

*Lead Poisoning.* Independent of the routine investigation of reported cases of lead poisoning, an investigation was undertaken by Dr. Schwartz and Mr. Vogt into the dangers of lead poisoning in industries located in Greater New York, supplemental to the report of Dr. Graham-Rogers and Mr. Vogt, made in factories in other parts of the state in 1913. The findings have not been completed.

*Canneries.* A special investigation as to the effect of work in canneries upon women and children was undertaken by Dr. Bell in the season of 1915. The findings of Dr. Bell are of value in that many days at a time were spent in each plant, and an unbiased report by a woman physician has been submitted, which treats not only of the factory conditions, but the housing and family conditions as well.

*Tobacco Industry.* Under the direction of Dr. Lanahan preliminary steps have been taken for an investigation into the health of workers in this industry. The co-operation of the Albany Medical College, and a cigar firm, having a model factory, has been secured.

*Steam Pressing Irons.* Upon request a special investigation as to the use of steam pressing irons and its effect upon the workers was undertaken by Dr. Roos, and in connection Mr. Vogt conducted air test examinations.

*Diamond Cutters.* In view of reported cases of lead poisoning a special investigation was undertaken by Dr. Roos. The co-operation of both the cutters' union and shop owners was secured. After several conferences with the union, a set of regulations was drafted for reference to the Industrial Commission.

Attention was given to the installation of proper first aid kits in all factories visited, and instructions for the use of the kit were drafted and referred to the Industrial Commission for their action.

#### Bibliography

It is only within a recent period that any literature relative to occupational diseases or industrial hygiene could be found. Many inquiries are directed to the Department for information along these lines and have been referred to me. In the preparation of reports of special investigations, the endeavor has been made to include as complete a list of references to the subjects as possible. With the growth of the work, the importance of a bibliography became apparent, also the fact that such a publication would be of great benefit and help to those interested in the subject. The careful preparation of an extensive work with the limited force and facilities of the section would be well nigh impossible. After a conference with Mr. Wyer, Director of the State Library, the co-operation of the State Library School was secured. Dr. Lanahan was assigned to supervise the work and it is hoped the Department will be able to issue a valuable addition to the literature on industrial hygiene and occupational poisonings and disease.

**Equipment**

To undertake proper physical examinations, it is necessary to have a complete equipment sufficiently portable to be carried in the field. At present the medical inspectors do not possess such an equipment. I would respectfully recommend an appropriation for this purpose.

With the present number of medical inspectors, it is impossible to effectively carry out the provisions of section 76-a. Dr. Schwartz has done efficient and faithful service as an acting medical inspector. I would recommend an appropriation for his appointment as medical inspector.

To conclude the subject, medical inspection is inseparably connected with factory inspection. Any attempt to separate the two would be inadvisable, for medical inspection of factories implies a knowledge of medicine and in addition a knowledge of factory conditions which can only be acquired by practical experience.

C. T. GRAHAM-ROGERS,  
*Chief Medical Inspector.*

**(C) REPORT OF CHEMICAL ENGINEER**

*To the Director:*

I beg to submit my report as chemical engineer of the Division of Industrial Hygiene for the year ending September 30, 1915.

A considerable portion of my time was occupied making special inspections and pursuing investigation of factories and mercantile establishments where dust, gases, fumes, heat and vapors escape into the workrooms in the various processes of manufacture, where by chemical means it was possible to determine whether the quantities existing were of sufficient amounts to be detrimental to the health of the employees working therein. When such proved to be the case, orders were issued and enforced.

A large number of samples of materials were submitted to me by supervising inspectors and medical inspectors for analysis, including wall dust, floor dust, water, oils, paints, dry colors, glazed paper, candy, tin foil, waxes, etc., which, when analyzed and the results obtained, in many cases assisted the physicians in diagnosing cases of industrial poisoning investigated by them.

A number of visits were made to factories in order to solve problems relative to the sanitary disposal of domestic waste, particularly where no sewer systems existed. Prior to the appointment of a mechanical engineer a number of problems were placed with me relative to the guarding of machinery and the operation of exhaust systems, but upon his appointment I was relieved of this work.

During the entire year I have set apart Tuesday afternoon of each week for consultation with inspectors for the benefit of those who may desire to interview me regarding the use of various substances used in manufacturing, relative to the necessity of issuing orders to proprietors of factories to provide hot water, individual towels, and suitable places where employees may take their meals. Without making personal visits to the places in question, advice was given enabling these inspectors to handle the problems personally.

The demand upon my time for field work involving questions of ventilation, sanitation and others of a scientific nature became so great that from time to time the assignment of special investigators became a necessity, which allowed a larger amount of work to be accomplished and granted me more time to devote to laboratory work and the preparation of pamphlets and reports.

#### The Laboratory

A considerable portion of routine work necessitated work to be performed in the laboratory, which though fairly well equipped for the present needs imposed upon it, lacks considerable apparatus for the carrying on of certain work to a successful conclusion. The cost of maintaining this laboratory for the year was less than \$4 per month, irrespective of gas used.

I urgently recommend the purchase of a small portable Macbeth photometer used for light measurements. This instrument is now on the market and can be purchased at a cost considerably less than apparatus of a similar nature used for such work made abroad.

I constructed a number of instruments during the year in the laboratory for analytical use, all of which have been employed in work undertaken in the field, it being the object to construct all

apparatus used in such analytical work to be portable, durable, and so arranged as to perform all work in the factory where quantitative analyses must be performed.

During the month of July, I again secured the permission of Professor Victor Chambers, Professor of Chemistry of Rochester University, to use one of the rooms in the chemical building of that institution to perform analytical work in connection with my investigation of the dyeing and cleaning industry; also to perform certain analytical determinations for factories located in the western part of the state. The saving of considerable time resulted, besides greater accuracy being maintained.

#### Photographs

At the request of various members of the Department, I photographed a number of buildings, guards, sanitary and unsanitary conditions, and devices used in dry cleaning establishments to prevent explosions, electrotypes of which have been made for the production of half tones for a bulletin entitled "Prevention of Fires and Explosions in the Dyeing and Cleaning Industry." The list of photographs added considerably to our present collection of sanitary and safety devices, which has proven useful to inspectors in the past and to those who visited the Department sub-office who desired better conditions in their establishments. The large number of pictures possessed by the Department proved to be of great use in constructing a photographic exhibit for the Panama Pacific Exposition, which I took considerable time to prepare, together with the preparation of an exhibit of dust samples obtained in various factories throughout the state.

#### Explosions

A number of explosions occurred during the year, investigations of which were conducted in each case, and the causes definitely determined, the major portion of which occurred in the dry cleaning industry. These explosions showed the necessity of undertaking an intensive study into this class of business, with the object of determining the hazards surrounding the workers employed therein. In this investigation I was assisted by Messrs. Nethercott and Caridi, Special Investigators, and Dr.

Schwartz, Acting Medical Inspector, who obtained under my direction, a large amount of data. A report and pamphlet is now ready for publication, through which the dangers in this particular trade are pointed out with suggestions toward fire and accident prevention.

Considerable time was given to other explosions which occurred in Syracuse, Port Ewen and New York City, with a view toward tracing the cause of same. In every case I was afforded every courtesy and assistance by the proprietors to locate the cause. Suggestions were offered which in all cases were adopted to prevent recurrences in these factories.

I am engaged upon the investigation of refrigerating systems, the japanning industry and laundry industry, which I hope to complete as soon as possible and shall prepare pamphlets on each industry investigated.

#### Accidents

A number of accidents were investigated in and near New York City, in which serious damage was done. The accident in a hotel where an explosion of ammonia gas took place in a refrigerating system showed the necessity of an investigation of refrigerating systems and power plants in hotels, where our present law does not reach. This investigation is yet under way, a preliminary report having already been made.

Following is a recapitulation of the work which I have performed during the year:

##### Number of establishments visited:

In lead and arsenic investigations.....	42
In dry cleaning industry.....	96
In japanning industry.....	1
In industrial poisoning cases.....	2
In making complete sanitary surveys of buildings.....	2

##### Chemical Analyses:

Benzine vapors.....	1
Brass.....	2
Urine.....	4
Wall dust from factories.....	13
Dust fumes and gases in factories.....	22
Lead fumes in factories.....	15
Flowers (artificial).....	1
Candy.....	3
Tin foil for lead.....	3
Milk sugar, for lead.....	1
Sealing wax.....	1
Rubber.....	2

## Chemical Analyses—(Continued):

Lead pipe.....	1
Pottery.....	1
Toy.....	1
Paint.....	3
Matches.....	1
Powders for lead.....	1
Dry colors.....	1
Other technical analyses in factories in lead, japanning and dry cleaning industry..	18

## Analytical Determinations Relative to Ventilation of Basements of Mercantile Establishments in

Troy.....	2
Albany.....	2
Schenectady.....	4
Buffalo.....	1
New York.....	2
Syracuse.....	6

## Analytical Determinations Relative to General Ventilation of Factories in

Albany.....	2
New York City.....	4

## Explosions in

Syracuse.....	1
New York City.....	6

## Miscellaneous Matters:

Photographs taken for departmental purposes.....	120
Accident investigations.....	2
Special investigations as to overcrowding workrooms.....	2
Special investigations relative to wearing of respirators.....	1
Mechanical engineering problem (elevators).....	1
Sanitary investigations relative to installations of water closets.....	2

JOHN H. VOGT,  
*Chemical Engineer.*

## (D) REPORT OF FIRE PREVENTION ENGINEER

## To the Director:

In compliance with custom I herewith submit to you my report for the year ending September 30, 1915, giving you a statement of my activities during the year ending with the above date.

Early in year, in company with the chemical engineer and the fire prevention engineer in the first district, we made certain inspections of dry cleaning establishments in both the first and second districts relative to their danger from fire and explosion. The result of this investigation will be filed in a separate report in the very near future. This report will cover in detail not only the places in the larger cities, but also in dry cleaning establishments in smaller cities up-state.

My time has been occupied principally in making inspections of factories in the second district where orders have been placed to safeguard the employees from fire or panic hazard. This has kept me well occupied during the year. In my territory I have inspected, at the request of either the Industrial Commission, the Division of Industrial Hygiene, the Chief Factory Inspector or the Engineering Division not less than four hundred factories throughout the state. While in many of these inspections I have been met with opposition in carrying out the provisions of the law, I think the average manufacturer is taking more interest in these safeguards and the compensation laws are working a change for the better. I find in many small factories that it is physically impossible to make changes that meet the letter of the law. In these cases I have tried to devise plans whereby the spirit of the law might be met and at least a fairly safe condition enforced.

In many buildings in the matter of horizontal exits there is serious objection to having a fire door on both sides of the horizontal opening as the average owner of a building is opposed to spending money where he thinks it unnecessary. He argues from the standpoint that one door with a fusible link in the center of the opening will clearly answer the purpose and meet the spirit of the law. In many cases I am prone to agree with this contention, especially in buildings where the material is non-inflammable.

The matter of fire alarm telegraph systems in factories is being somewhat pushed to the front and justly so. In any factory where any great number of people are employed, I think there should be a fire alarm telegraph system to not only warn the people in case of fire but to be used in connection with fire drills. A safe and up-to-date fire drill in the average factory is one of the greatest factors of safety from panic that I can conceive. These frequent drills take the scare from the average employee so that he does not know whether it is a fire or a drill. In many of the smaller plants the fire alarm system need not be an elaborate one but it should be installed in a safe and reliable manner and under reliable supervision. The more economical we can get these plants, consistent with reliability, the easier it is to induce the manufacturer to install them.

At the direction of the Industrial Commission, I attended the convention of the state fire chiefs at Peekskill in June where matters pertaining to fire protection were ably discussed by various fire chiefs throughout the state who are alive to the fire hazard. In the latter part of August and forepart of September, at the direction of the Industrial Commission, I attended the convention of the International Association of Fire Engineers at Cincinnati. This association is made up of fire chiefs throughout the world. Some of the most able men in fire protection, fire equipment and fire extinguishment attend this convention. Valuable papers were read and discussed by men who thoroughly understand the question involved and much valuable information was gleaned from these discussions. Representatives of the Underwriters' Laboratories of Chicago were in attendance and gave us valuable information, together with stereopticon views of various appliances used for safeguarding life and limb in factories and other structures throughout the country.

It is clearly evident that the propagation of "Safety First" in fire protection throughout the 15,000 factories in my district, where over 500,000 people are employed, is bearing fruit and that a few years will see a vast improvement in the factories of this state.

JOHN P. QUIGLEY,  
*Fire Prevention Engineer.*

**(E) REPORT OF TUNNEL INSPECTORS**

*To the Director:*

Herewith is submitted the report of the tunnel inspectors for the fiscal year ending September 30th, 1915. The work was divided into two districts, northern and southern, with a dividing line at Fourteenth street, Manhattan, since most of the work was being done in New York City. The inspectors alternated in each district every three months.

The work inspected consisted of "cut and cover" subway work, hard rock tunnels and subaqueous tunnels working under compressed air. Air pressures were light. In all, fifty-eight contracts were regularly inspected during the year, employing a total

average of 16,830 men. The distribution is shown on the accompanying tabulations, in which the work is divided into three general groups: New York City subway systems, Catskill Aqueduct tunnels, and miscellaneous work.

By a ruling of the Industrial Commission, contractors no longer report accidents to the Bureau of Inspection, but to the Bureau of Workmen's Compensation. This will eliminate one very desirable feature of our work. By special arrangement heretofore with the Bureau of Statistics, monthly reports of accidents received from contractors on tunnel work, were tabulated under the various separate contracts and divided into causes, and such tabulations were a direct aid and the only systematic guide for the accident prevention work which is a salient feature of the inspection of heavy construction work.

During the year there occurred, according to our information, 35 fatalities among workers, divided as follows: Four on the surface but indirectly connected with subway or tunnel work; 1 in a caisson, but after air pressure had been withdrawn and over which this Department has no jurisdiction at that stage of construction; 16 on "cut and cover" subway work; and 14 in connection with tunnel work.

The causes of the fatalities were: Falls, 7; haulage and hoisting, 7; falling objects, not dropped, 17; falling objects handled by injured, 2; electric shock, 1.

Last year the report to the Department of Labor showed 44 fatalities. It appears, therefore, that the past year saw considerably fewer fatalities than the year before, although, according to our information, more men were employed.

During the year the inspections totaled 197, observations 126, and compliance visits 73. The inspectors made special investigations, some not completed as yet, into various features of heavy construction work, such as safety in the use of electricity in tunnels and underground workings, safety in hoisting and haulage in this class of work, and investigations into the possible mitigation of compressed air illness.

Those suggestions made in various preceding annual reports relative to changes in the law, need not be repeated in this report. Those changes are desired more and more, but suggesting them

in an annual report does not seem to bear much fruit. They will undoubtedly be taken up in a different manner during the coming year.

In the new year, subaqueous tunnel work, with its ensuing high pressure compressed air work, will be reaching its maximum, giving the Department ample opportunities for the study of compressed air illness and giving the new law of hours of labor under air pressures with its accompanying legal rates of decompression, its first test.

GUSTAV WERNER,  
PHILIP J. STEERS,  
*Tunnel Inspectors.*

## INSPECTIONS OF TUNNELS AND CAISSENS IN 1915

LOCATION OF WORK	Number of Employees	NUMBER OF —		
		Inspections	Observations	Compliance visits
New York City Subways:				
Broadway and Lexington Avenue.....	6,575	62	39	21
Seventh Avenue.....	3,300	38	6	3
William and Clark Streets.....	1,370	11	8	7
Whitehall and Montague Streets.....	920	14	8	10
Flatbush Avenue and Eastern Parkway.....	1,000	10	16	4
Fourth Avenue.....	500	7	8	2
Belmont Tunnel.....	50	1	3	3
Forty-second Street Diagonal.....	800	2	2	.....
Fifty-ninth Street.....	250	5	4	4
Canal Street.....	300	9	1	.....
Total.....	15,065	159	95	54
Catskill Aqueduct.....	935	14	14	2
Miscellaneous.....	830	24	17	17
Grand total.....	16,830	197	126	73



**Part III**

**REPORT OF THE BUREAU OF WORKMEN'S  
COMPENSATION**

[117]



**(1) REPORT OF THE SECOND DEPUTY COMMISSIONER**

**(IN CHARGE OF BUREAU OF WORKMEN'S COMPENSATION)**

*To the Industrial Commission:*

In compliance with the requirements of the Compensation Law and of the Labor Law, this report of the Bureau of Workmen's Compensation is made and submitted. It covers the period of the calendar year 1915 with tables that make it also a report for the last nine months of the fiscal year ending September 30, 1915.

The year has been eventful of change. At its beginning the Workmen's Compensation Commission, a separate state department, was charged with the administration of the Workmen's Compensation Law which became effective July 1, 1914. The Legislature radically amended said law, which amendments became effective April 1, and thereafter virtually two laws have been in operation; the first as affecting all cases of injury arising prior to April first, and the present law as affecting all cases after said date.

The Legislature also abolished the Workmen's Compensation Commission as a separate state department and merged its functions with those of the Department of Labor under a new Department of Labor to be administered by the State Industrial Commission; and that which was a department at the beginning of the year became a bureau of the new Department of Labor when the Industrial Commission Law became effective on June first.

Upon assuming office the Industrial Commission retained, with the exception of the changes hereinafter noted, the organization plan and personnel much as it found it, and energetically assumed at once a vigorous and sympathetic administration of the Workmen's Compensation Law.

The principal changes accomplished in the amendment of the law affected the method of making claims and of paying awards.

Under the first law all claims were made directly to the Commission which, after it had passed upon them, collected from the insurance carriers the awards as made and paid out said awards according to the provisions of the law. Under the amended law claims are first filed directly with employers with the right of employers and employees to reach an agreement with each other respecting the amount of awards to be paid. Only in the event of neglect or failure to reach such agreements may the claim thereafter be filed with the Commission as under the old law. In either agreement or direct claim cases employers have the right to make payments in advance of awards, and, if awards are subsequently made, to have such payments properly credited thereon.

If agreements are entered into, the Commission examines carefully such agreements and, if the terms thereof are strictly in accordance with law, approves same, which approvals constitute awards. In claims filed directly with the Commission, awards are made as they were made under the old law. In all cases when awards are made it is incumbent upon employers to pay the same directly.

It will be seen from the foregoing that so radical a change in the law necessitated sweeping changes in Bureau methods, forms, notices, division of work, etc. Indeed, the Bureau had to accommodate itself to what amounts to five different classes as follows: Cases arising under the first law; and under the new law — agreement cases with advance payments; agreement cases without advance payments; direct claim cases with advance payments, and direct claim cases without advance payments. However, by following the legislative proceedings and finally anticipating the legislation about to be enacted, forms and system were prepared in advance of the adoption of the amendments and the Bureau swerved and swept on without much loss of time; but as might have been expected at the outset, with a marked increase of labor. The new law with its changes required to be explained.

At Albany the Bureau's offices were removed into the new wing of the capitol, being consolidated with the other bureaus of the Labor Department there to the decided advantage of the work in hand.

The branch offices at No. 29 Broadway, in charge of Deputy Commissioner Patrick A. Whitney; at the corner of 148th street and Courtlandt avenue, The Bronx, in charge of Deputy Commissioner August Lauter; and at No. 13 Washington street, Poughkeepsie, in charge of Deputy Commissioner Edwin Storms, were abolished and the employment of said deputy commissioners determined as of the date June first. Later the branch office at No. 171 Madison avenue, New York, in charge of Deputy Commissioner Thomas J. Curtis, was removed to the principal branch office in New York City. These changes effected considerable savings in rents and salaries. The branch offices at Brooklyn, Buffalo, Rochester and Syracuse are still maintained. At Brooklyn, Deputy Commissioner David M. Stone, appointed July 16, succeeded Deputy Commissioner Thomas J. Drennan; at Albany, Deputy Commissioner William A. Abbott succeeded Deputy Commissioner Frank A. Tierney on November 15; at Syracuse, Deputy Commissioner Willard C. Richards is still in charge; at Rochester, Deputy Commissioner Cyrus W. Phillips was assigned in place of Deputy Commissioner Lester Fisher, who resigned May 31; at Buffalo, Deputy Commissioner James McLusky succeeded Deputy Commissioner George W. Batten on November 15. These positions have been made regular civil service positions through an examination held in the month of September.

It scarcely requires to be added that every deputy commissioner now in the Department is needed and that it will be unwise further to reduce the force. On the other hand, the selection of an additional deputy commissioner to conduct hearings at the principal branch office could well be justified. The deputy commissioner in charge is so burdened with managerial duties and reviews of cases upon written testimony that it is impossible for him to sit on calendars more than two days a week. However, the Industrial Commission itself, which formerly was compelled to give five days a week to the hearing of cases, is now able to dispose of claims before it by sitting on Mondays and Fridays, with an occasional day between. This is as it should be since the heavy general duties of the Industrial Commission require much attention.

Hearings are held on Wednesdays and Thursdays at Albany and every day at New York City with hearings in two parts on Mondays, Thursdays and Fridays. Calendars are now arranged for forenoon and afternoon sessions with corresponding notices and divided further as to days with respect to insurance carriers. A still further division may be noted, that on Mondays, Tuesdays and Thursdays are heard general cases; on Wednesdays, trial cases with numerous witnesses; on Fridays, lump sum and medical cases. This division refers to the work of the deputy commissioners, while the commissioners themselves on Mondays and Fridays, as aforesaid, hear the various classes of cases that go up to them.

Each of the deputy commissioners except Messrs. Abbott and Curtis are in charge of branch offices. Mr. Abbott is in charge of the principal office at Albany and Mr. Curtis is housed with the commissioners and the deputy commissioner in charge at the principal branch office in New York City.

The duties of the deputy commissioners are defined in section 65 of the law as follows:

Powers of individual commissioners and deputy commissioners.—Any investigation, inquiry or hearing which the commission is authorized to hold or undertake, may be held or taken by or before any commissioner or deputy commissioner, and the award, decision or order of a commissioner or deputy commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the award, decision or order of the commission. Each commissioner and deputy shall, for the purposes of this chapter, have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. The commission may authorize any deputy to conduct any such investigation, inquiry or hearing, in which case he shall have the power of a commissioner in respect thereof.

The work of the Bureau throughout the year has been steadily progressive along the lines of the original organization; and, at the end of the year, as will be noted in that part of the report under the heading "claims division," the number of pending cases had been reduced to nearly the possible minimum. Complaints are probably as few in number as they will ever be from a field so extensive, and the Bureau is apparently beyond justifiable criticism. The utmost diligence is exercised at all times to maintain this condition. The deputy commissioner in charge who is mak-

ing this report is not altogether satisfied with a certain number of cases which for one reason or another have grown too old. Great pressure is being exercised to dispose of all such cases. It seems, however, impossible to eliminate them altogether for certain difficulties and delays are not within the power of the Bureau to remedy or overcome.

The Bureau is now running within a \$500,000 annual appropriation. This is a self-imposed limit slowly reached as better organization became effective and includes a proportionate share of overhead expense, commissioners' salaries, etc. This is a saving of fully \$200,000 a year as compared with the cost of maintaining the Bureau at the outset. The merging of the Bureau with others under the Industrial Commission has tended to effect economies.

The winter of 1914-1915 saw an unusual amount of unemployment in marked contrast with the condition at the end of the current year. The Bureau is somewhat of a barometer marking the revival of industry through an increase of reports and claims filed. This increase, however, puts the Bureau to its highest endeavor and there is perhaps a degree of strain which may not be sustained if there is further increase in the number of claims.

The Bureau, as is well-known, has no leisure and drives as hard as does any private industry, but, be it said, not unwillingly; for there is generally a noble response to the humanitarian purposes of the statute. The constant appearance of claimants in distress makes so powerful an appeal to every employee from the lowest to the highest that the result is as beautiful as it is unusual.

The deputy commissioner in charge is about to recommend a final revision of system and forms which will accomplish even better organization. Evolution, adaptation, revision, is the recurrent order of organization. To-day no compensation bureau in America and no private insurance company accomplishes more work or discloses a lower expense ratio. It is remarkable, too, that the private insurance companies best organized to develop facts about cases are most often in agreement with the recommendations of the claims divisions as presented to the Commission on its daily calendars.

With respect to the daily hearings, they may be described as in reality minor claims courts where all embarrassing technicalities are waved aside and a straight drive is made towards truth and justice. These hearings have met with popular favor for each person interested has his day in court. They command the growing respect, too, of the legal profession itself, some of whose eminent members have been loud in their praise.

While it is true that under the law no hearing may be had as of right by any party interested except upon formal application for the same, yet the Commission by first considering all cases in public has been able not only to expedite its work by effecting easy reconciliation in cases of dispute or dissatisfaction but it has also been able thus quickly to disseminate correct information about the law. Each claimant, if he seems to require it, is explicitly advised as to his own case, and thus he becomes a radiating center of instruction to others. It is predicted that the number of claimants actually appearing will constantly diminish. The Commission owing to situations of distress has responded in the consideration of hundreds of cases out of order. This seemed to be an absolute duty but has entailed much extra work.

The daily average number of cases heard and disposed of is 140, with a record of something over 1,100 achieved once when there was an accumulation of easy cases.

It may be asked, "does the administration of the Workmen's Compensation Law properly adapt itself to the industrial commission plan?" The answer is yes. But how? The industrial commission idea as enacted in the law is based upon the correlation and co-ordination of administration of all state functions pertaining to industry and labor. Under it every workman and employer is bidden to participate in government wherever government touches him. Modern industry is of exceeding magnitude and complexity and so numerous are the necessary rules and regulations that they are not only through their very number difficult to become acquainted with but equally difficult to impose as from without. The Legislature, therefore, wisely faced the proposition from the opposite angle and asks interested parties to participate in framing rules and regulations and to go even further and

assist in putting them into effect. This arouses interest, creates favorable public sentiment, makes participants familiar with them and appeals to that peculiar trait of human nature which prefers to act upon its own motion rather than to respond to imposed duties.

The Workmen's Compensation Law touches industry and labor at every point and its purposes will be advanced and consummated much more quickly if it is understood in theory and in practice. This is all the more true because it should mark even in dollars and cents a real diminishment of the burdens upon industry on the one side, while on the other, relieving distress among the injured entirely beyond comparison with any system heretofore obtaining.

The practical administration of the Compensation Law under the industrial commission idea has already been begun. There is a common and unified supervision by the Commission; reports which formerly were made to the Labor Department and to the Compensation Commission are now made only to one of them; the same statistical bureau is able to take off the new experience of all bureaus; the same agent purchases all supplies; there are common post office and stock room facilities. And these are but the first throws of the shuttle which will weave all into one whole. The first act looking toward this is the assembling of several bureaus as separate units. The welding process cannot be accomplished at one stroke but will be a matter of months, even years. And with it all is accomplished a saving in money to the taxpayer.

#### CLAIMS DIVISION

This division is in charge of Mr. Daniel A. Golden. In a sense it is the vital part of the organization of the Bureau, for the law was enacted for the sole purpose of providing compensation for losses arising from industrial accidents.

This division receives all reports of injuries, claims for compensation, agreements and all testimony and reports of investigations with respect thereto. It examines all reports and claims and prepares the calendars for hearings with recommendations

for allowance or disallowance. It also receives and answers all correspondence in regard to claims.

In all cases sent to the Commission proofs are completed, analyses are made and specific recommendations are attached thereto. In the great majority of cases the Commission has but to make findings of facts consistent with such recommendations.

In a measure the labors of all divisions of the Bureau, except the state insurance fund are incidental and supplementary to the work of the claims division; and it handles claims against the state insurance fund in the same manner as claims against other carriers.

Justice demands that due praise be given for the meritorious work of this division. It is efficient and accurate and it evidences the highest devotion to duty, giving freely of overtime work and responding instantly to every demand made upon it by the Commission, claimants, employers and insurance carriers. Let the complexity of the law, the industrial magnitude of the state and the volume of work done attest its merit.

Reference is made to the first annual report of the Workmen's Compensation Commission for a review of the methods and work performed by this important division.

In the tables below will be found a summary of reports of injuries, claims made and disposed of, etc. The following explanation of terms preceding the tables should be noted:

- "C-1 No Claims" means first reports of injuries received from injured workmen which clearly indicate that the disability is of less than two weeks duration and that no claim for disability award will be made. All such papers are filed in high division alphabetical indexes to be had quickly in connection with claims or inquiries if subsequently such may be made. In the event of no such demand, after six months they are stored away.
- "C-2 No Claims" means first reports of injuries received from employers in such cases.
- "C-1 Claims" means first reports of injuries received from injured workmen indicating the probability of a claim for compensation to follow. If a disability of ten days or longer is indicated, the reports are counted under this heading; for, while no compensation is paid for the first two weeks, such cases are likely to develop into claims.
- "C-2 Claims" means first reports of injuries received from employers in such cases.
- "C-3" means claims for compensation actually filed.
- "On calendar and disposed of" means that cases have been considered finally and awards made or denied and thus closed.
- "Pending" indicates the number of claims filed with the commission and not yet examined and prepared for the calendar. These comprise incomplete cases as well as those which are complete and not yet examined. (Note.— In the first table only "pending" includes about 8,300 cases examined and ready for the calendar.)

Injuries reported and claims filed complete from July 1, 1914, to December 31, 1914, comprising the full period from the time the law became effective until the beginning of the year covered by this report, were as follows:

C-1 No claims.....	45,299
C-2 No claims.....	89,363
C-1 Claims.....	27,917
C-2 Claims.....	23,569
C-3 Claims for compensation.....	19,742
On calendar and disposed of.....	12,619
Pending.....	7,123
Deaths reported.....	477
Claims filed.....	445
On calendar.....	325
Pending.....	120

Injuries reported and claims filed complete from January 1, 1915, to September 30, 1915, including old law and new law, were as follows:

	Old law	New law
C-1 No claims.....	23,960	18,447
C-2 No claims.....	47,061	87,483
C-1 Claims.....	17,301	14,781
C-2 Claims.....	15,482	28,206
C-3 Claims for compensation.....	17,822	5,940
On calendar and disposed of.....	24,746	4,700
Pending.....	199	1,240
C-103 Agreements.....		8,458
On calendar and disposed of.....		7,481
Pending.....		977
Deaths reported.....	781	765
Claims filed.....	667	547
On calendar.....	667	500
Pending.....		47

Injuries reported and claims filed complete from January 1, 1915, to December 31, 1915, including old law and new law and totals, were as follows:

	Old law	New law	Totals
C-1 No claims.....	23,976	26,417	50,393
C-2 No claims.....	47,073	130,273	177,346
C-1 Claims.....	17,314	19,539	36,853
C-2 Claims.....	15,510	41,709	57,219
C-3 Claims for compensation.....	17,878	7,134	25,012
On calendar and disposed of.....	24,941	6,162	31,103
Pending.....	60	972	.....
C-103 Agreements.....		16,608	.....
On calendar and disposed of.....		15,513	.....
Pending.....		1,095	.....
Deaths reported.....	314	765	1,079
Claims and agreements filed.....	282	547	829
On calendar.....	362	500	862
Pending.....		47	47

Injuries reported and claims filed complete from July 1, 1914, when the law became effective to December 31, 1915, and comprising old law and new law and totals, were as follows:

	Old law	New law	Totals
C-1 No claims.....	69,275	26,417	95,692
C-2 No claims.....	136,436	130,273	266,709
C-1 Claims.....	45,231	19,539	64,770
C-2 Claims.....	39,079	41,709	80,788
C-3 Claims for compensation.....	*37,620	7,134	44,754
On calendar and disposed of.....	37,560	6,162	43,722
Pending.....	60	972	1,032
C-103 Agreements.....		16,608	16,608
On calendar and disposed of.....		15,513	15,513
Pending.....		1,095	1,095
Deaths reported.....	781	765	1,546
Claims and agreements filed.....	667	547	1,214
On calendar.....	667	500	1,167
Pending.....		47	47

\* The apparent discrepancy between 37,620, the number of claims filed as under the old law, and 29,665 the number of claims in which awards were made, may be explained by stating that when the law first became effective, many workmen in ignorance of its terms, filed claims for a disability of less than two weeks duration; and, unacquainted also with the hazardous groups, filed numerous claims for injuries sustained in employments over which the commission has no jurisdiction.

It will be noted that 1,546 deaths have been reported, whereas but 1,214 claims have been filed. This leaves 332 death cases specifically not accounted for. These are supposed to fall under the following classifications: Cases in which there are no dependents, cases involving common law liability and therefore affording remedies through the courts, cases without the jurisdiction of the commission or railroad cases in which jurisdiction is disputed, cases in which there are unknown foreign dependents, and, perhaps, some cases settled without claims being filed, even if in contravention of the law.

A comparison between the first law and the amended law may be made as regards the number of claims and agreements filed. Under the first law, with 29,665 cases covering the period of nine months, there were filed 3,296 claims per month. Under the amended law, which provides for claims and agreements, the commission has received 16,608 agreements and 7,134 claims, a total of 23,742. Inasmuch as a period of two weeks must elapse before a claim may be filed and ten days more is given within which to make an agreement, it is evident that the latter number cannot be taken as the full experience of the last nine months of the year under the amended law. It may be taken to reflect the experience of eight months instead. This shows the yield of claims and

agreements under the amended law to be 2,968 per month, which indicates 328 claims fewer per month or 3,936 fewer per year. It will require a statistical analysis to demonstrate what class of injuries do not result in claims being filed. It is supposable that they are minor claims in which employees receive advance payments and fail to file claims.

The table below, showing awards made under the Workmen's Compensation Law for the nine months from July 1, 1914, to March 31, 1915, including results to December 31, 1915, was prepared by the Bureau of Statistics and Information under the direction of Chief Statistician L. W. Hatch.

SUMMARY OF AWARDS MADE UNDER THE WORKMEN'S COMPENSATION LAW IN  
TO DECEMBER

KIND OF AWARD	CASES		AMOUNT OR VALUE OF
	Number	Per cent of total	
V. TEMPORARY PARTIAL DISABILITY:			
25% and under.....	36	.1	\$718 50
Over 25% to 50%, inclusive.....	6	0.0	78 52
Over 50% to 75%, inclusive.....	24	.1	300 73
Over 75%.....	6	0.0	339 25
VI. INDETERMINATE:			
Settled by lump sum.....	579	2.0	402,039 63
Continuing on January 1.....	153	.5	205,776 67
Other.....	313	1.1	163,862 47
	113	.4	32,400 49
Grand total.....	29,447	100.0	\$4,629,108 35

\* Includes \$143.50, loss of thumb. † In conjunction with total temporary disability award.  
 ‡ Includes six cases combined with total temporary disability award. \*\* Includes one case in conjunction with partial temporary disability award. §§ Includes one case employer bankrupt, no insurance; claimant settled for \$288. §§ Includes five cases with estimated average death loss of \$3,240.72.

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THE NINE MONTHS FROM JULY 1, 1914, TO MARCH 31, 1915, INCLUDING RESULT<sup>8</sup>  
31, 1915 — (Concluded)

PRESENT AWARDS  Per cent of total	AWARDS MADE IN COMBINATION WITH AWARDS AS IN FIRST COLUMN (These amounts included in totals in fourth column)					
	TEMPORARY DISABILITY				INDETERMINATE DISABILITY (Lump Sum Settlements)	
	Total		Partial		Cases	Amount
Cases	Amount	Cases	Amount	Cases	Amount	
0.0						
0.0						
0.0						
0.0						
.....						
8.7						
4.5						
3.5						
.7						
100.0	361	\$19,454 16	†218	\$11,609 68	**11	\$3,013 32

The sixth classification "indeterminate" under the summary of awards requires a word of explanation. It represents those cases which in their early stages would fall under Classifications III or IV, and in a measure are assignable to either. They are such cases also as in the interest of justice admit of being concluded by lump sum payments.

**CASES UNDER INVESTIGATION AND ON APPEAL NOT INCLUDED IN GENERAL TABLE.**

	Under investigation	On appeal
Death.....	.....	68
Permanent total disability.....	.....	.....
Permanent partial disability.....	5	*36
Temporary total disability.....	23	††63
Temporary partial disability.....	.....	.....
Kind of award unknown.....	16	22
 Total.....	 44	 189

An analysis of the general table discloses the following facts:

Number of claims.....	29,680
Aggregate cost (exclusive of medical and inclusive, at average value of 44 cases under investigation and 189 cases on appeal).....	\$4,880,433 75
Average value of all awards (exclusive of medical).....	157 20
 Death:	
Average value of death awards.....	3,240 72
Percentage of cost to whole cost.....	41.9
Percentage of number to whole number filed.....	2.03
Percentage of death claims without dependents to whole number of death claims.....	16.2
Percentage of death claims with alien dependents residing abroad.....	9.0
 Permanent and Total Disability:	
Average value of permanent total disability awards (exclusive of medical)...	\$7,475 12
Percentage of cost to whole cost.....	2.3
Percentage of number to whole number filed.....	.047
 Permanent Partial Disability:	
Average value of permanent partial disability awards (exclusive of medical) ..	\$520 38
Percentage of cost to whole cost.....	23.1
Percentage of number to whole number filed.....	7.0
 Temporary Total Disability:	
Average value of temporary total disability awards (exclusive of medical)....	\$42 41
Percentage of cost to whole cost.....	24.0
Percentage of number to whole number filed.....	88.9
 Temporary Partial Disability:	
Average value of temporary partial disability awards (exclusive of medical) ..	\$19 96
Percentage of cost to whole cost.....	.015
Percentage of number to whole number filed.....	.12

\* Includes five combination cases of temporary total disability.

† Includes one combination case of temporary partial disability.

‡ Includes one combination case of temporary total and temporary partial disability.

Total cost of compensation (exclusive of medical) for a full year on above basis...	\$6,507,245 0
Add medical cost* at \$10.95 per reportable injury (state insurance fund average) for 225,000 injuries for the year (closest approximation).....	2,463,750 00
Whole cost.....	<u>8,970,995 00</u>

## MEDICAL DIVISION

The medical division is in charge of Dr. Raphael Lewy. He is assisted by Dr. Samuel M. Hyman.

The growing value and importance of this division is evidenced by the volume of work done which is indicated in the following summary:

	1915	1914†	Total
Physical examinations of claimants.....	7,445	1,868	9,313
Re-examinations.....	587	233	820
 Total.....	<u>8,032</u>	<u>2,101</u>	<u>10,133</u>
 Opinions rendered on claim papers in disability cases without physical examination of claimants.....			3,104
Opinions rendered on claim papers in death cases.....			115
Opinions interpreting X-ray plates.....			21

## CLASSIFICATION OF PHYSICAL EXAMINATIONS

	1915		1914	
	Exam- inations	Re-exam- inations	Exam- inations	Re-exam- inations
Fractures.....	2,179	226	358	84
Infections.....	1,292	87	493	53
Burns.....	90	2	31	3
Lacerations.....	676	34	175	10
Contusions.....	1,073	88	296	38
Amputations.....	761	35	222	7
Miscellaneous.....	1,874	115	293	38
 Total.....	<u>7,445</u>	<u>587</u>	<u>1,868</u>	<u>233</u>

\* Medical cost is treated separately for two reasons — (1) it is not accurately known since the commission does not make medical awards; for, except in state fund cases, the employer pays directly; and, (2) every injury requires medical aid, while no compensation awards are paid for the first two weeks of disability.

† This covers the period from July 23, 1914, to December 31, 1914.

## MONTHLY DETAIL OF PHYSICAL EXAMINATIONS IN 1915

	Exam- inations	Re-exam- inations
January and February.....	842	134
March.....	660	29
April.....	638	13
May.....	551	36
June.....	606	30
July.....	601	18
August.....	632	30
September.....	601	28
October.....	730	47
November.....	890	190
December.....	694	32
<b>Total.....</b>	<b>7,445</b>	<b>587</b>

Experience demonstrates the wisdom of maintaining an adequate medical staff. The tendency everywhere in compensation bureaus is to place more and more reliance on the opinions of a well organized and disinterested staff of physicians. Nor is it out of place to bear testimony to the splendid qualifications and devotion to duty of our own physicians. Their ability commands the respect of the profession at large and gives such weight to their opinions as to allay disputes and secure general acquiescence in the decisions of the Commission based thereon. Their duties comprise physical examinations of claimants and consultations with physicians in connection therewith, review of written medical testimony, and advisory duties to the Commission at hearings including examinations of medical witnesses.

Aside from the exceptional cases, which are relatively few, the principal points in all other cases are those pertaining to wages and nature and extent of disability. Manifestly, therefore, accurate medical testimony is invaluable. Every means should be taken to herald this fact to all persons affected by the Compensation Law. If injured employees are put into the hands of good physicians immediately after their injuries are sustained, many fruitful results for good will be accomplished thereby; they will receive proper treatment; effective cures will be hastened; insurance cost will be reduced; and claims for compensation will be more easily perfected. If the fact of accident is in dispute evidence of receiving medical treatment immediately thereafter for such injury as would likely arise out of the employment, goes far to establish a claim.

The Compensation Law has centered attention on industrial accidents and made possible the compiling of statistics and the undertaking of careful studies by professional men. Out of this is developing ability to suggest proper treatment and to judge more accurately probable length of disability. This tends to aid the Commission in determining period of award. There is, too, the recuperative period of disability between the time of discharge by the physician and the time the employee is able to return to work. The physicians of the bureau are invaluable aids in guiding the Commission in the determination of this period.

The future development of compensation insurance will probably call for an increase in the medical staff and even its participation in claim examination to the extent of reviewing all medical testimony which review is now limited to doubtful or disputed cases.

An indirect result of the activities of this division in connection with a knowledge of the causes and results of injuries revealed by statistical analyses will be to tend to convince employers of the economy to be gained in installing first-aid equipment and, where the size of the plant warrants it, plant hospitals; for these things will be made to appeal to thrift rather than to philanthropy. Millions of dollars may thus remain in the pockets of New York employers if they rise to the situation.

The Bureau experience indicates the need of more well-equipped hospitals to administer to injured employees' post-operative treatment. Thousands are now cripples, having missed the opportunity to have stiff joints made mobile, which is an effect modern surgery is able to produce.

The history of compensation insurance in all states attests the importance of the medical phase of the question. It is therefore desirable to obtain the co-operation of the best thought of the great profession. The condition desired is that they may remain untempted to lean either way from justice. Their testimony, if impartial, is invaluable; if not, troublesome.

Some restlessness is apparent on the question of fee bills and the right of the injured workman to select his own physician, which is yet undetermined. These conditions are beyond the power of the Commission to remedy. Many physicians do not

seem to understand that the Commission merely passes upon fee bills from the standpoint of reasonableness and cannot enforce collection. Only when the bill should be paid by the workman who has not taken the necessary steps to fix the responsibility upon his employer can the Commission take action to establish a lien against an unpaid award and to fix the manner of payment.

#### DIVISION OF THE CASHIER

This division is in charge of A. F. Pentz, cashier, with Matthew J. Howard, as assistant cashier.

At the beginning of the year when the first Compensation Law, unamended, was still effective, the duties of this division were to have custody of securities and cash deposited by self-insurers and other insurance carriers; to collect from employers and insurance carriers moneys for awards made, and to pay out the same to beneficiaries thereof; to do general accounting in connection with compensation matters; and to handle and account for moneys appropriated for the maintenance of the Workmen's Compensation Commission.

When, on April 1, 1915, the present Compensation Law, as amended, became effective, and, again, on June 1, when the Workmen's Compensation Commission was superseded by the State Industrial Commission and the Department itself became a bureau under said State Industrial Commission a marked change took place in this division. That part of the accounting pertaining to the greater new Department was separated to become another division answerable immediately to the secretary. This materially diminished the volume of business in the cashier's office.

Other changes took place. Under the new law, as amended, the Commission handles no money in payment of awards except moneys of the state insurance fund. Instead, employers pay directly. This also has lessened the work.

Later, according to the spirit of the new law, the Commission referred back to stock company insurance carriers for direct payment by them instalment payments of awards made under the first law. This again reduced the volume of work. But the cashier remains custodian of the securities deposited, and handles mon-

eys collected and disbursed on account of the state insurance fund. It will be seen, therefore, that the activities of this division are being merged into that of the state insurance fund.

To illustrate the volume of work done in this division, the following figures are given: During the year, 64,259 vouchers were made in payments of awards covering for stock and mutual companies, \$1,252,049.82, for state fund \$158,119.16, and for self insurers \$242,957.83 — and this notwithstanding the marked diminishment of labor owing to direct payments.

The par value of securities (municipal, state and government issues), which are deposited for the account of the self insurers to secure the payment of compensation awards, was \$3,524,225 as of September 30, 1915, and \$3,521,225, as of December 31st, 1915. The slight decrease in volume is due to the return of deposits to certain self insurers which had changed their plan of insurance. The custody of these bonds requires the payment of interest thereon as it falls due quarterly or semi-annually, and the mailing of the Commission's checks to the respective owners after an apportionment schedule is made up. These bonds are gradually being exchanged, with the consent of the owners, from coupon form to certificates registered in the name of the Commission. This eliminates the labor, expense and sometimes unavoidable delay in detaching coupons in such large numbers and varying issues.

The receipts of premiums for the state insurance fund for the period ending September 30th, furnished a gross total of \$700,137.13, and for the entire year the aggregate was \$906,106.12. There were 343 checks drawn, aggregating \$21,000.08, in refund of premiums.

In addition to the foregoing the cashier requisitions purchases and distributes postage stamps. The cashier also has other duties unrelated to the Compensation Bureau.

Reference is made to the tables in that part of this report which is under the heading State Insurance Fund for fuller information concerning cash and investments. Briefly, investments of a par value of \$730,000 for the year 1915, were made for the account of the state insurance fund, as recommended by Commissioner W. H. H. Rogers.

## LEGAL DIVISION

The legal division for the year was in charge of Jeremiah F. Connor, his assistants being Robert H. Grimes and Theodore H. Ward.

The duties of this division are: To counsel the Commission; handle cases on appeal; reply to numerous inquiries that reach the Bureau by mail; take care of collections of awards made against employers in default of compliance with the law requiring them to secure compensation to their employees; to give opinions to commissioners, deputy commissioners and other employees of the Bureau concerning questions that arise as the day runs; to counsel with the Commission at hearings and participate in examination of witnesses.

The activities of this division, as of others, reflect the Bureau's general volume of work as is shown by the following recapitulation for the calendar year 1915:

Cases pending in the Supreme Court of the United States.....	3
Court of Appeals:	
Cases decided.....	9
Cases argued and not yet decided.....	6
Cases appealed and not yet argued.....	10
Appellate Division:	
Cases decided.....	102
Cases pending and not yet argued.....	185
Cases pending for opinion.....	36
Cases referred to counsel in which appeals have been withdrawn, opinions rendered, etc., and which are now closed.....	1,510
Number of letters answered giving opinions on the compensation law (an estimate).....	3,500
Number of cases referred to counsel for collection of awards against employers having no insurance.....	913
Number of suits commenced to collect awards.....	820
Number of awards collected.....	661
Cash collected, including awards and penalties for non-insurance.....	\$13,937 00
Number of claims pending for collection of awards.....	252
Number of suits brought to recover penalty for not insuring.....	264
Number of employers compelled to protect employees engaged in hazardous business by compensation insurance.....	687
Number of cases referred in which employers have given up business or gone into bankruptcy, etc.....	226

It will be remembered that the law became effective July 1, 1914. Between that date and the beginning of the calendar year covered by this report, the division handled 79 cases on appeal to the Appellate Division of the Supreme Court; 95 complaints against employers who had failed to provide compensation insurance; 227 cases in which awards were made against employers who had no insurance and which were referred to the division for

collection; 49 cases against railroad companies, involving difficult and undetermined questions of the law of interstate commerce referred for opinion; and, 207 miscellaneous claims for compensation, referred for opinion.

The chief counsel was present at every term of the Court of Appeals and Appellate Division. In fully three-fourths of all cases that went up to these two courts he prepared either original briefs at the request of the court or briefs supplemental to those filed by the attorney general of the state. He also reviewed all cases on appeal and all findings before they were signed by the commissioners. His close application and vigorous conduct of cases went far to support the acts of the Commission when reviewed by the courts.

This division expended much time in establishing forms; and the practice on appeal as formulated not only has been adopted by the appellants in every case, but also has met the approval of the attorney general and of the Appellate Division, Third Department.

Mr. Grimes assists the chief counsel in the character of work just described.

Mr. Ward has taken care of collections against non-insurers. It has been necessary to commence many civil actions for collections in the Municipal Court of New York City, and in the Supreme Court. As a basis for fixing the amount of the penalty, an examination of the defendant before trial as to the number of employees and the amount of payroll has been necessary.

Mr. Connor resigned as chief counsel in the month of December and terminated his connection with the Bureau on the last day of the year. His successor is Mr. Robert W. Bonyng, who becomes not only the chief counsel of the Bureau but chief counsel as well for the State Industrial Commission.

#### ACTUARIAL DIVISION

This division is in charge of Mr. Joseph H. Woodward. The present duties of the actuary so far as they relate to the general work of the Bureau are limited to computing present values of awards made and payable in instalments. Aside from this his work is exclusively with the state fund where his analysis of claims and state fund experience is a guide to dividends and rate

making. The state fund report will reflect the activities of this division during the year.

#### STATE FUND DIVISION

This division is in charge of Mr. F. Spencer Baldwin, Manager, with Mr. Nicholas W. Muller as Assistant Manager. The manager's report which is submitted herewith and made a part of this report amply and adequately covers the field of activities of the state insurance fund.

#### INFORMATION

The Bureau still finds it expedient, even necessary, to continue its information division. At first this division was visited daily by two hundred or three hundred people who came to inquire about the law and their rights under it and also about pending claims. But, as claims came to be more rapidly disposed of and the Bureau caught up with its calendar, the work of the division was greatly lessened. Then came the amendment to the law which effected a radical change and again was the division overrun with inquiries. Likewise, as the amended law became better understood, fewer inquiries were made in person. It may be said the normal condition has been reached which requires the constant services of three employees. The scope of this division could be somewhat broadened to advantage if the Commission should care to undertake to a greater degree to assist claimants in doing the routine work necessary in perfecting claims. Forms are prepared with the thought in mind to guide anyone not familiar with the method; and yet there is much awkwardness that causes some unavoidable delays.

#### "THE BULLETIN"

The Bureau has reaped its share of advantages from the publication of "The Bulletin," the Commission's official monthly periodical, and no issue has appeared without an article by the deputy commissioner in charge and articles also from the state fund and legal divisions. This practical and most useful means of disseminating information works a distinct advantage in the administration of the law which is a new and long statute embracing legislation in a new field. It is therefore apparent that many delays and irregularities are attributable solely to ignorance of the law. It is a fine means also for the promulgation of infor-

mation about the state insurance fund which is constantly conscious of the handicap of being forbidden to solicit business when its competitors are most active and none too careful in their representations concerning the fund.

#### CIVIL SERVICE

From the standpoint of the civil service the Bureau is beyond criticism. All grade employees are permanent civil service appointees with the exception of the provisional assistant examiners of claims and these have taken an examination. The Bureau is awaiting the promulgation of eligible lists under this title. It may be said, then, that temporary employees are selected from proper lists; that advancement is made on promotional examinations; and that permanent employees are regularly selected. Within the year the Bureau has co-operated to the fullest extent with the Senate Civil Service Committee appointed to make a report looking to the standardization of employments and salaries, and looks forward without fear to the publication of the report.

#### STATISTICAL

The Workmen's Compensation Commission had planned for a statistical analysis of claims but the actual work had not been begun. When the Industrial Commission Law became effective and the new Commission perfected its organization it took over the Bureau of Statistics and Information which for many years had been in existence in the Department of Labor. That Bureau at once commenced work along lines formulated after two or three national conferences of statisticians and actuaries connected with compensation bureaus of the various states. The Bureau has been fortunate in thus being able from the beginning to make its statistical analysis along lines of permanent adoption, which in itself gives added value to the results. In that part of this report under the heading Claims Division will be found tables comprising an analysis of the cost of compensation insurance in this state for the period from the time the law became effective, July 1, 1914, to April 1, 1915, when the amended law became effective. This period of nine months forms a natural division and the careful analysis as made will be the basis of a comparison with the effect of the amended law.

WILLIAM C. ARCHER,

*Second Deputy Commissioner.*

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**(2) REPORT OF THE STATE INSURANCE FUND**

**(A) REPORT OF THE MANAGER**

*To the Industrial Commission:*

**Growth of the Fund**

The State Insurance Fund secured a substantial increase of business during the year ending December 31, 1915. The number of policy holders increased from 7,119 to 8,507. Notwithstanding the increase in the number of policyholders, the volume of premiums in force was slightly smaller on December 31, 1915, than at the close of the preceding year, the respective amounts being \$674,973.64 and \$692,583.64. This decline was apparent and not real, being due to two facts: first, that the volume of premiums on December 31, 1914, was based on the higher rates in force for the first policy period, which ended on that date, and second, that the merit reductions from the manual rates granted in recognition of safety conditions as determined by inspections had not yet been applied. The volume of premiums as of December 31, 1915, is based on the reduced rates which went into effect at the first of the year, these rates being further reduced through merit re-rating. The lower rates and the merit reductions together decrease the amount of premiums in force by over 20 per cent.

It is noteworthy that the Fund has held practically all the business that it has obtained from the beginning, notwithstanding the fact that it has had to meet the competition of nearly fifty stock and mutual companies writing compensation insurance. The total loss of business through cancellations has been very small, and most of the withdrawals have been due to discontinuance of business on the part of policyholders. The total amount of semi-annual premiums represented by withdrawals of employers transferring their insurance to stock or mutual companies is roundly \$12,000. As an offset to this slight loss, the Fund has secured approximately \$250,000 of semi-annual premiums through new business during the eighteen months of operation, from July 1, 1914, to December 31, 1915. The success of the Fund in holding old business and getting new business is most gratifying, in the face of the efforts made by both stock and mutual companies

to entice employers away from the Fund and the constant attacks to which it has been subjected from this quarter.

The financial statement for the year, which is appended to this report, shows a sound condition in all respects. The net premium income for the year was \$1,293,613.15. The total losses paid during the year amounted to \$296,013.83. The amount of loss reserves on December 31, 1915, was \$906,848, and the catastrophe surplus \$145,729.33. The total surplus to policyholders earned during the year was \$400,314.22, and the dividends paid during the year totaled \$347,541.45. The investments on December 31, 1915, amounted to \$1,059,824.91, and the cash on deposit to \$207,841.04.

The Fund has earned a total surplus to policyholders of \$579,211.57 since it began business July 1, 1914. This amount has been earned after the payment of losses to the amount of nearly \$300,000, and after setting aside reserve and surplus funds of more than \$1,000,000.

The loss ratio for the eighteen months ending December 31, 1915, was 64.8 per cent. It should be noted that this ratio would have been considerably lower if the State Fund had charged the same rates as the casualty companies; on the basis of the larger premium income which the higher rates would have yielded, the loss ratio would have been approximately 56 per cent. The expense ratio for the eighteen months was 14.3. The management expenses were paid by the state under the provision of the law guaranteeing such payment until January 1, 1917, but if the Fund had paid its own expenses, the portion of the earned premiums used for this purpose would have amounted to 14.3 per cent. The expense ratio, like the loss ratio, would have been somewhat lower if the Fund had charged the higher rates of the casualty companies, amounting in that case to roundly 13 per cent.

A summary of general facts concerning the condition of the Fund and a detailed statement of assets and liabilities, and of income and disbursements are appended to this report.

**Surplus and Reserves**

Under the provision of the Workmen's Compensation Act requiring 10 per cent of the premiums to be set aside for the creation of a catastrophe surplus until the amount so accumulated reaches the sum of \$100,000, and thereafter 5 per cent until such time as the surplus shall become sufficiently large to cover the catastrophe hazard, the Fund had accumulated on December 31, 1915, a catastrophe surplus of \$145,729.33, the increase during the year amounting to \$81,213.93. When the amount of \$100,000 was reached, the percentage of deduction was reduced from 10 per cent to 5 per cent. In addition to the catastrophe surplus, the Fund had on December 31, 1915, an undistributed surplus to policyholders of \$231,670.12, making a total amount of \$377,399.45 which would be available to meet a catastrophe loss. As the average amount of reserve required for a death case is somewhat less than \$4,000, the amount available for catastrophe losses would have covered the cost of a disaster resulting in nearly 100 deaths. The Fund is thus already protected to a very large extent against the catastrophe hazard.

The loss reserves on December 31, 1915, amounted to \$906,848.16, the increase for the year being \$540,378.30. The loss reserves have been computed on a conservative basis with a view to absolute adequacy. The method adopted for computing these reserves, which was explained in the first annual report, has received the virtual approval of the State Insurance Department, which has prescribed this method for the use of the mutual companies writing compensation insurance in this state.

**Rates**

The revised schedule of rates, which was put into effect on January 1, 1915, in accordance with the provision of the law requiring a readjustment of rates to be made on that date, has been maintained in force throughout the year with few changes. The rates for some classifications have been revised from time to time to remove inequalities and inconsistencies, but no extensive revision has been found necessary in the light of experience. In fact, the experience to date indicates that the present rates, which average approximately 20 per cent lower than the rates of the

casualty companies, are adequate to cover losses, to provide ample reserve and surplus funds, and to yield substantial dividends to policyholders.

#### Groups and Dividends

A rearrangement of the groups into which employers are divided for the purpose of keeping accounts and computing dividends was made by resolution of the State Industrial Commission, adopted June 25, 1915. This action was taken under the authority conferred upon the Commission by section 95 of the Workmen's Compensation Act, which empowers the Commission to rearrange any of the groups set forth in section 2 by withdrawing any employment embraced in it and transferring it wholly or in part to any other group, and from such employments to set up new groups at its discretion. Under the new plan, the original forty-two groups as specified in the act are combined into six large groups as follows:

New Groups	Old Groups
A Light Manufacturing.....	16, 23, 35, 37, 38, 40,
B Other Manufacturing.....	15, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 39
C Building and Construction.....	42
D Mining, Quarrying and Lumbering.....	14, 18, 19
E Excavation, Tunneling and Subaqueous Construction.....	11, 13
F Transportation, Public Utilities, Commercial and Miscellaneous.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 22, 41

The reduction of the number of groups simplifies and expedites the work of the bookkeeping and actuarial divisions of the Fund, making it possible to determine the dividend percentages and to notify policyholders of their dividend credits after the close of a policy period without undue delay. The new plan has the further advantage of giving a broader basis of experience in the groups for the distribution of dividends, doing away with extreme fluctuations with respect to dividend rates in the different groups and for successive policy periods. The dividends paid for the first policy period ending December 31, 1914, in the forty-two original groups averaged 14.8 per cent; the dividends paid in the six combined groups averaged 15 per cent for the second policy period ending June 30, 1915, and 16 per cent for the third policy period ending December 31, 1915.

In addition to the six general groups, the Fund has established a number of special groups composed of individual employers having a payroll exposure sufficiently large to afford a proper insurance distribution and thus warrant a separate grouping. Under this plan, a separate account is kept with an employer constituting such a group and any balance of his premium remaining after the payment of all losses on account of injuries or deaths sustained by his employees and the provision for loss reserves and catastrophe surplus as required by law, is credited as a dividend on the next installment of premium. The establishment of individual groups was authorized by the Commission under the provision of section 95 of the Workmen's Compensation Act empowering it to set up new groups at its discretion. This plan of individual grouping has been criticised by the opponents of the Fund, and in view of this criticism, it seems pertinent to supplement the brief statement concerning this plan given in the first annual report with a further explanation of its advantages to the Fund as a whole and to all employers insured in it.

It is obviously most desirable that large employers of labor should be brought into the Fund. The volume of premiums thus secured increases the financial stability of the Fund and, in particular, accelerates the accumulation of an adequate catastrophe surplus. Moreover, the larger the volume of premiums, the smaller the proportion of overhead charges that will fall upon the individual policyholder when the Fund is called upon to pay its own management expenses after January 1, 1917. The only way in which the large employers who have been grouped by themselves could be brought into the Fund was by offering them an arrangement of this kind, otherwise they would have elected to carry their own risks. The State Fund, which is competing with self-insurance, cannot secure the business of large concerns to any considerable extent, unless it offers a plan of individual grouping. Such a plan holds out all the advantages of self-insurance without its drawbacks. It is, in fact, a preferable substitute for self-insurance. It gives the employers grouped by themselves the benefit of their own experience and insurance at the exact net cost of carrying their own risk, which is the chief attraction of self-insurance for large employers. An employer

grouped by himself is not called upon to share his own experience with other employers who may be less careful in matters of plant equipment and safety organization. Whatever he can accomplish to prevent accidents in his plant, and consequently reduce his insurance cost, benefits himself directly and solely. The plan thus brings to bear the strongest incentive to improve safety conditions and to protect life and limb of employees. It is thus beneficial to the employees insured under it, as well as to the employer.

In short, the individual group plan is highly advantageous not only to policyholders placed in the individual groups, but to the Fund as a whole, and to the other policyholders, since it increases the financial strength and stability of the Fund and reduces the cost of insurance to every policyholder. There can be no question that the establishment of individual groups is in the interest of the safety and solvency of the Fund, and for the benefit of all employers and employees insured in it. This plan helps to make the Fund a safer and cheaper insurance agency for employers at large.

From the point of view of insurance administration, it is proper to set up as a group within the meaning of the act any employer with a payroll exposure sufficiently large to afford what the actuaries call a satisfactory insurance distribution, or in other words, to constitute a real insurance unit. In determining what amount of payroll exposure shall be taken as affording a satisfactory insurance distribution, the rule adopted by the Fund calls for a payroll of approximately 2,500 employees. The law governing the formation of mutual companies lays down as one of the conditions for the formation of such a company a payroll of at least 2,500 employees. Similarly the Fund recognizes as a group within the meaning of the act an individual employer or a number of employers in the same trade having a payroll exposure of this size.

The only objection brought against the individual group plan which deserves consideration is that it involves discrimination in favor of the large employer, who is thus enabled to get a low rate of insurance, representing the exact cost of carrying his own risk alone, as against the small employer, who is compelled to share

the burden of others placed in the same group. It is argued that this plan is inconsistent with the theory of workmen's compensation, which requires that the cost be distributed over the entire industry and borne collectively by all the employers in the trade. It is held that the employer who is placed in a group by himself is relieved of his part of this collective burden and is enabled to obtain insurance at a special low rate. It is a sufficient answer to this argument to point out that the law itself discriminates in favor of the larger employer by permitting self-insurance. The provision for self-insurance offers the large employer the opportunity to carry his own risk and escape his share of the collective burden of his trade—an opportunity not open to the small employer. The Fund did not initiate this form of discrimination. It is not consistent to permit self-insurance under the act and to deny or to question the right to create individual groups in the State Insurance Fund, on the ground that this involves discrimination. As long as the option of self-insurance is open to large employers under the act, the only way they can be induced to place their insurance in the Fund is by offering them the advantages of individual grouping. It is highly desirable in the interest of the Fund, its policyholders and their employees, that large employers should be brought into the Fund in considerable numbers. The only practical method to attain this desirable end is through the institution of individual groups. It is not a question of taking the business of large employers on the usual terms and placing them in the general groups, or offering them special terms and putting them in individual groups, but it is a question of getting this business through the individual group plan or losing it outright. With this alternative confronting the management of the Fund, there can be no doubt that the creation of the individual groups was a proper step on grounds of business policy and insurance administration.

#### Merit Rating

The inspections of risks for merit rating purposes have been made for the State Fund by the Compensation Inspection Rating Board, which includes in its membership all the insurance carriers under the act, except self-insurers. The system of merit

rating has been improved in various ways during the year and is now generally satisfactory with the exception of one feature. This is the present method of experience rating under which the employer may secure a reduction of rate based on his previous accident record, in addition to the reduction for safety conditions in the plant as determined by inspection.

The main objections to experience rating as now administered are, first, that the plan is not applied uniformly for all risks but only for such risks as may be submitted to the Board by the insurance carriers, and second, that the experience on which the ratings are based is largely that developed in a period prior to the establishment of the compensation system. The companies submit for experience rating only risks which can show a comparatively good accident record and thus secure a substantial rate reduction. The risks on which the experience has been conspicuously bad and would, therefore, call for an increase of rate are not submitted to the Board. In consequence of this practice, the present plan results in extensive reductions of the rates for selected risks without the application of offsetting increases for other risks on which the experience has been unfavorable. This result tends obviously to impair the adequacy of the rates, as a whole, as the rate reductions are not counterbalanced by rate increases. As at present administered, experience rating serves as a means of discriminatory rate cutting for favored risks. Moreover, the experience on which the rates are based is most unsatisfactory for the purpose, as it is well known that very few employers kept proper records of accidents before the enactment of the Workmen's Compensation Law, and the experience under the law is in itself very different from that under the old liability system. Any body of experience developed prior to the passage of the law is an unsound basis for rate making in general and for merit rating in particular.

The State Insurance Department has taken cognizance of the shortcomings of the existing scheme of experience rating and has taken steps to bring about a reform. At the suggestion of the Department, a committee of the Compensation Inspection Rating Board has been formed to take the whole matter under consideration and formulate, if possible, an equitable and scientific plan of experience rating.

During the year 3,478 merit rating reports were received by the State Fund from the Compensation Inspection Rating Board. Of this number, 2,620 showed rate reductions averaging 16.1 per cent, and 534 showed rate increases averaging 17.7 per cent. The reports furnished the State Fund included in all cases a supplementary statement pointing out the location and nature of the defects in the plant which resulted in debits or prevented the grant of credits. This information was communicated to the employers through the inspection department of the State Fund, which submitted recommendations for the improvement of safety conditions, and upon request, made safety inspections to assist employers in perfecting the safety equipment of plants and thus securing the lowest possible merit rating.

#### Accidents and Inspections

The number of accidents reported by employers in the State Fund during the twelve months, January 1 to December 31, 1915, was 12,783. This total includes 83 death cases, 1 total permanent disability case, 252 partial permanent disability cases, and 3,076 temporary total disability cases, on all of which compensation is payable. Medical and hospital service was provided by the State Fund in 7,107 cases, and the average cost per case was \$11.70. As the State Fund issues a special form of policy at a 20 per cent reduction from the regular rates, under which the provision of medical and hospital treatment is left to the employer, this service was furnished in a considerable number of cases by the policyholders and not by the State Fund. It is interesting to note that the number of accidents reported increased greatly during the second half of the year, by reason of the general improvement of business conditions and the consequent increase in the number of employees and the greater activity of plants, the increase in the number of the reports amounting to about 50 per cent as compared with the first half year.

The total number of inspections of plants made by the inspection and accident prevention division during the year was 1,788. About 10,000 recommendations for the installation of safeguards and the formation of plant safety organizations were sent to policyholders. In general, the policyholders have shown a gratify-

ing readiness to comply with safety recommendations and to co-operate with the State Fund for the improvement of risks and the reduction of insurance costs.

#### Claim Service

The passage of amendments of the Workmen's Compensation Act at the last session of the Legislature which permitted employers to make agreements with employees for the payment of compensation has brought about a noticeable improvement in the system of adjusting and paying claims. In general, the larger policyholders have availed themselves of the power to make agreements and pay compensation directly to their employees, while the smaller employers have preferred to have their employees send claims to the Commission for award and payment. The natural division of the work in this way has facilitated and expedited the handling of claims.

#### Charges by the Aetna Life Insurance Co.

An episode in the developments of the year which should be mentioned in this report was the presentation before the Governor of charges against the Manager of the State Insurance Fund by an official of the Aetna Life Insurance Company. On August 12, 1915, Vice-President J. S. Rowe, of this company, addressed a communication to Governor Charles S. Whitman protesting against alleged unfair, unfriendly and discourteous treatment of the stock insurance companies by the Manager of the State Fund. On August 18, the Manager submitted to the State Industrial Commission a reply to this communication. On September 4, the Governor issued a communication to Mr. Rowe dismissing the latter's charges as not sustained by the evidence and declining to take further action. On September 10, Mr. Rowe sent a second letter to the Governor which called forth no reply, as it merely reiterated the unsubstantiated charges contained in his previous letter. Finally, on October 25, the State Industrial Commission gave out a public statement defining its attitude on the issue raised by the correspondence and closing the controversy as far as the Commission and the State Fund are concerned.

The fundamental issue in this correspondence was the right of the State Fund to compete for business with the casualty com-

panies. In his reply to the charges of Mr. Rowe, the Manager of the State Fund maintained the right of the State Fund to compete, using the following language: "The State Fund, in order to realize the full measure of its potential usefulness to employers and employees, should be a live, active, vigorous competitor of the casualty companies. It should not be relegated to the insignificant position of insurance carrier for the undesirable business and bad risks not wanted by the casualty companies—although that is the role which the latter would naturally prefer to see the State Fund play. The function of the State Fund is something higher than that of serving as a convenient dumping ground for business rejected by the stock companies." The Governor, in his communication dismissing the charge, declared that the "Manager of the State Fund is conducting a competitive business enterprise." The Commission in its public statement pointed out that the State Fund, in order to be managed economically and to be of the greatest service to the industries and the people of the state, will need to do a large volume of business, in order that the ratio of expenses for administration may be kept as low as possible. For this reason, the Commission declared that the Manager of the State Fund "is right in making such efforts as he can to increase its volume of business" and that it would support "every effort of the Manager of the State Fund to present the exact situation to employers, whether by interviews or by correspondence, so that the manifest purpose of the Legislature to provide a perfectly safe method of insurance at bare cost may be presented and employers given every opportunity to avail themselves of it, if they wish."

The reasons why the compensation insurance business needs the competition of state funds have recently been stated with great cogency by W. W. Greene, manager of the Colorado State Compensation Insurance Fund. Mr. Greene points out that it is not possible to secure a fair test of the respective merits of the different forms of insurance permitted to employers under the workmen's compensation acts, if state funds are not permitted to compete actively for business with private companies. A passive policy in the administration of a state fund must result in abnormally high loss and expense ratios, as a state fund administered on this

basis will secure only a small volume of business made up of the least desirable risks. Mr. Greene well says: "What the community wants and has the right to expect is a fair test of the several types of insurance carrier — an experiment conducted with energy and sincerity by all parties. If, as now, the companies are personally canvassing every employer in the state to make him conversant with the merits of stock insurance, the management of the fund is not doing its duty unless it makes a positive effort to acquaint employers with the functions and advantages of the fund. Moreover, it is obvious that since insurance in the State Fund is presumably for the purpose of protecting employees, a fund of fair size must be established in order to fulfill the intent of the framers of the compensation act."

In short, if the State Fund is to be made a really safe and cheap insurance institution for employers at large, it must be an active competitor for business and not merely a passive receiver of damaged goods for the private companies.

#### The Question of Common Law Liability

The question of liability at common law has been a subject of lively discussion throughout the year. Numerous pamphlets and circulars dealing largely with this question have been issued by the stock companies. A considerable part of the literature of the State Fund deals with the same question.

The main argument advanced by the stock companies against insurance in the State Fund is that its policy does not cover liability at common law and consequently gives the employer only partial protection. The contention of the management of the State Fund has been that, while its policy covers only the liability arising under the Workmen's Compensation Act, the alleged liability at common law is practically non-existent, since such liability is wiped out by the act for employers engaged in hazardous employments who provide compensation for their employees by insurance in one of the prescribed ways. The fundamental intent of the act was to do away with liability at common law and to substitute for it liability for compensation. This intent is carried out for employers in general by the provision of section 11, making the liability for compensation exclusive. Moreover, employers insured in the State Fund are given special additional protection by the

provision of section 53, which relieves an employer paying a premium to the State Fund from all liability on account of personal injuries or death sustained by his employees. In consequence of the latter provision, the coverage afforded by the State Fund policy under the Workmen's Compensation Act is absolutely complete. The management of the State Fund has contended, accordingly, that its policyholders are given perfect coverage under the Workmen's Compensation Act and that this is the only protection really needed by employers engaged in hazardous employments that come squarely within the provisions of the act. This contention has been substantiated by the experience of the State Fund to date, as no case has arisen in which its policy has failed to give complete protection to the employer.

The competitors of the State Fund cite in this connection various decisions of the Appellate Division, Third Department, Supreme Court, in compensation cases, as showing the existence of liability outside the Workmen's Compensation act not covered by the State Fund policy. The principal cases thus exploited as arguments against insurance in the State Fund are the following: *Shinnick vs. The Clover Farms Co.*, in which the Court sustained the right of action on the part of an employee who had suffered a disfigurement by the bite of a horse; *Bargey vs. Massaro Macaroni Co.*, in which compensation was denied to the dependents of a carpenter killed while doing a piece of construction work in a factory; *Gleisner vs. Gross & Herbener*, in which the Court held that a janitor, injured while ascending a roof to put up a flag, was not entitled to compensation.

Without entering into a discussion of the issues involved in these cases, it may be pointed out that they emphasize strongly the need of an amendment of the act to clear up, once for all, troublesome questions as to its application to certain classes of employees, and further, to make the coverage under the State Fund policy clear, definite and complete beyond any possibility of doubt. It is an intolerable situation that employers insured in the State Fund, or desiring to place their insurance with it, should be deterred or disquieted by reason of any questions as to the application of the act and the coverage under the State Fund policy. Employers are entitled to a speedy remedy for this condition at the

hands of the Legislature. The Workmen's Compensation Act should be amended in such way as to remove all possible doubt as to the scope of the act and the coverage afforded by the State Fund policy. This can be effected by amendments defining and extending the scope of the act or granting to the State Fund authority to issue a policy covering not only liability for compensation but also any incidental or collateral liability at common law. It is hoped that the Legislature will take action that will settle decisively the moot questions relating to liability at common law and coverage under the State Fund policy and thus remove the whole subject from the realm of controversy.

F. SPENCER BALDWIN,  
*Manager State Insurance Fund.*

## GENERAL FACTS CONCERNING STATEMENT FOR DECEMBER 31, 1915

Number of policyholders.....	8,507
Premiums in force.....	\$674,973 64
Net premiums written (18 months ended December 31, 1915).....	1,983,377 69
Earned premiums (18 months ended December 31, 1915).....	1,914,536 63
Expense estimate furnished by bureau of cashier (18 months ended December 31, 1915).....	275,679 54
Expense ratio to earned premiums.....	14.3
Losses and loss reserve (including \$26,413.05 deferred claim department charges).....	1,240,638 13
Loss ratio to earned premiums.....	64.8
Total surplus accrued to policyholders (18 months ended December 31, 1915).....	579,211 57
Less dividends allowed (18 months ended December 31, 1915).....	347,541 45
Undivided surplus available for dividends to policyholders.....	231,670 12
Investments.....	1,059,824 91
Number of accidents reported (18 months ended December 31, 1915).....	17,315
Number of death cases (18 months ended December 31, 1915).....	126

## ASSETS AND LIABILITIES

ASSETS	December 31, 1914	December 31, 1915
Investments.....	\$538,937 50	\$1,059,824 91
Cash on deposit.....	107,725 31	207,841 44
Accrued interest on investments.....	.....	14,510 39
Accrued interest on deposits.....	.....	959 60
Policyholders' account.....	7,830 72	69,902 73
<b>Total.....</b>	<b>\$654,493 53</b>	<b>\$1,353,039 07</b>
LIABILITIES		
Reserve for losses (including 3% of reserve for deferred claim charges).....	\$366,469 86	\$906,848 16
Reserve for unearned premiums.....	44,610 92	68,791 46
Reserve for catastrophe.....	64,515 40	145,729 33
<b>Surplus for policyholders.....</b>	<b>\$475,596 18</b>	<b>\$1,121,368 95</b>
<b>Total.....</b>	<b>178,897 35</b>	<b>231,670 12</b>
<b>Total.....</b>	<b>\$654,493 53</b>	<b>\$1,353,039 07</b>

## INCOME AND DISBURSEMENTS YEAR ENDED DECEMBER 31, 1915

## INCOME

Net Premium Income.....	\$1,293,613 15
<b>Miscellaneous Income:</b>	
Interest received on investments.....	\$37,488 13
Accrued interest on investments.....	14,510 39
	<hr/>
	\$51,998 52
Less accrued interest on bonds acquired...	6,830 66
	<hr/>
Net interest earned on investments.....	\$45,167 86
Interest received on deposits.....	\$2,782 87
Accrued interest on deposits.....	959 60
	<hr/>
Total interest on deposits.....	8,742 47
	<hr/>
Total interest income.....	\$48,910 33
Sale of manuals.....	15 00
	<hr/>
Total miscellaneous income.....	48,925 33
	<hr/>
Total income.....	\$1,342,538 48

## DISBURSEMENTS

<b>Losses Paid:</b>	
Medical.....	\$75,645 85
Temporary total disability.....	118,049 97
Permanent total disability.....	600 00
Dismemberment.....	63,872 48
Death — Funeral expenses.....	7,408 75
Death — Dependency.....	30,436 78
	<hr/>
Total losses paid.....	296,013 83
Bank exchange charges.....	369 70
Insurance on investments.....	15 00
Profit and loss charges.....	52 96
	<hr/>
<b>Increase in Reserves:</b>	
For losses (including reserve for deferred claim department charges of \$26,413.05).....	\$540,378 30
For unearned premium.....	24,180 54
For catastrophe.....	81,213 93
	<hr/>
Total increase in reserves.....	645,772 77
	<hr/>
Total disbursements and increase in reserves.....	\$942,224 26
	<hr/>
Surplus earned (year ended December 31, 1915).....	\$400,314 23
Surplus (December 31, 1914).....	178,897 35
	<hr/>
Dividends allowed (year ended December 31, 1915).....	\$579,211 57
	<hr/>
Surplus to policyholders.....	347,541 45
	<hr/>
	\$231,670 13

## STATE INSURANCE FUND INVESTMENTS, DECEMBER 31, 1915

DESCRIPTION	Par value	Book value	Date of maturity	Interest rate (%)
New York City, No. 210-V16 and No. 211-V16.....	\$125,000 00	\$120,078 13	March 1-64	4½
City of Brooklyn Registered—Comptroller's Receipts for Brooklyn Bridge, Nos. 327, 328, 329.....	175,000 00	178,937 50	July 1-19	5
C/S New York City, Water Supply, W 15-251.....	150,000 00	149,625 00	March 1-64	4½
C/S New York Registered, No. 1180-V10.....	108,000 00	104,895 00	May 1-59	4
C/S New York Registered, No. 156-VII, No. 366-W10, No. 475-W9.....	5,000 00	4,863 75	May 1-59	4
C/S New York Registered, No. 9677V.....	37,000 00	35,982 50	November 1-56	4
C/S New York Registered.....	25,000 00	23,906 25	May 1-59	4
C/S New York Registered.....	25,000 00	24,906 25	March 1-64	4½
City of Albany Bonds, Nos. 67-71; River Front Improvement Bonds, Nos. 686-700; New Intercepting Sewer Bonds.....	50,000 00	50,562 50	June 1-55	4½
City of New York Bonds.....	25,000 00	24,531 25	September 1-60	4½
St. Lawrence County Bonds, Nos. 543-557.....	15,000 00	15,436 35	January 1-35	4½
St. Lawrence County Bonds, Nos. 558-572.....	15,000 00	15,452 40	January 1-36	4½
St. Lawrence County Bonds, Nos. 573-587.....	15,000 00	15,467 85	January 1-37	4½
St. Lawrence County Bonds, Nos. 598-602.....	5,000 00	5,160 85	January 1-38	4½
City of New York Registered.....	50,000 00	50,937 50	June 1-65	4½
City of New York for Construction of Rapid Transit Railroads—Series R13 No. 223.....	1,000 00	1,020 00	June 1-65	4½
City of New York for Supply of Water, W16-No. 231.....	49,000 00	49,980 00	June 1-65	4½
Village of Dobbe Ferry Registered, No. 51—150.....	100,000 00	101,496 83	{ Serial Aug. 1, 1928-1944 }	4½
Town of Meriden, Montgomery Co., N. Y., Union Free School District No. 14 Reg. Cts. Nos. 11-23.....	50,000 00	54,440 00	{ Serial Nov. 1, 1928-1938 }	5
Town of North Hempstead, Nassau Co., N. Y., Water Bonds Cts., Nos. 1-15.....	30,000 00	32,145 00	{ Serial Sept. 1, 1920-1934 }	5
	\$1,055,000 00	\$1,059,824 91	.....	.....

## (B) ACTUARIAL ANALYSIS OF ACCIDENTS ARISING UNDER THE NEW YORK WORKMEN'S COMPENSATION LAW

Actual statistics relating to the cost of workmen's compensation claims in the United States are, up to the present, difficult to obtain. For this reason it is thought that some analysis of the 10,307 accidents reported to the New York State Insurance Fund during the year ended June 30, 1915, the first year of the operation of the act, may not be without interest.

Schedule A, appended to this memorandum, shows analysis of these accidents according to the character of the benefit payable, giving the total incurred loss under each head and the average cost per accident. The experience in all cases has been brought down

to December 31, 1915. This means that at least six months has elapsed between the date of the last accident and the date of the compilation of the experience, thus insuring statistics much more accurate than those compiled immediately at the close of the period to be analyzed.

The first point to be mentioned is that these 10,307 accidents are simply "notices." It has been found impracticable to reduce them to terms of "tabulatable" accidents or to apply any other definition of what constitutes an accident. (The commonly accepted definition of a standard or "tabulatable" accident is one which disables the employee for some part of a day other than the day on which the "accident" occurs.) It will, of course, be recognized that the number of "notices" depends very largely upon the practice of the employers whose operations are covered by the insurance policies issued. Large employers with well organized first aid and accident prevention service are likely to report every accident down to the merest scratch, however trivial, while small employers whose operations are not on a sufficient scale to permit of the systematic organization of accident work are not apt to file notices of accident unless the case appears to be sufficiently serious to make it appear probable that either medical aid or compensation will be payable.

To reduce to terms of "compensatable" accidents there must be subtracted from 10,307 the sum of the 3,649 cases in which there was no loss and the 4,189 cases in which, although medical aid was paid, there was no compensation — 7,838 cases in all — leaving 2,469 "compensatable" accidents where the injury caused either death, dismemberment or disability continuing for more than two weeks from the date of the accident. The calculated incurred loss in these 2,469 cases was \$650,468.41, which gives an average of \$263.47 per compensatable injury, not including the cost of medical aid.

With respect to the several items in Schedule A, the following comments are submitted:

Item I shows that out of 83 deaths which occurred up to December 31, 1915, arising from accidents occurring on or before June 30, 1915, 72 were cases involving dependency with an average present value of \$3,997, almost exactly \$4,000, including

the "reasonable funeral expenses not exceeding \$100" stipulated in subdivision 1 of section 16 of the law. These present values were computed upon the basis of the Survivorship Annuitants' Table of Mortality, the remarriage rate of the Dutch Royal Insurance Institution and 3½ per cent interest. An item of \$20,276.19 "suspended mortality" has been added to the incurred loss to provide the additional reserve for deaths which may arise after December 31, 1915, from accidents occurring previous to June 30, 1915.

Five cases valued as permanent total disabilities are provided for under Item II. These cases have in general been reserved for on the basis of a life annuity at the attained age according to the Survivorship Annuitants' Table of Mortality and 3½ per cent. interest. In order that the nature of these cases may be entirely clear, there is given in Schedule D a brief statement of the date of accident, nature of injury, age, wages, valuation factor and reserve in each case.

Under Item III is given the data regarding the cases of permanent partial disability arising from dismemberment. The incurred loss in each of these cases is taken as the rate of compensation per week multiplied by the number of weeks' compensation specified in section 15 of the law, the effect of discount for interest and mortality being disregarded for valuation purposes.

Item IV shows that the experience contains only two known cases of permanent partial disability which does not arise from dismemberment. These figures are so widely at variance with the published results of European experience that one hesitates to accept them as an indication of the ultimate facts under the New York law. Details of these cases are given in Schedule E.

Item V shows that out of 2,155 cases where compensation was awarded for temporary total disability, 28 cases remained open on December 31, 1915, in the sense that no evidence was forthcoming on that date that the injured employee had recovered. These cases were valued upon the basis of the reserve values given in Schedule C. This valuation table for open temporary total cases was adopted by the State Fund after considerable experimental work and is based, after the first seven weeks, upon the assumption that

an employee who has not recovered after two years from the date of the injury may, for valuation purposes, be regarded as permanently and totally disabled, and that after the period of seven weeks mentioned the value of the liability approaches the total permanent value by equal amounts for equal intervals of time. Since the table has been based upon an average age, it will sometimes happen that when the actual age of the injured employee is taken into account the reserve for permanent total disability will be less than the reserve for temporary total disability. For such cases our rule is to use the reserve for permanent total disability. It is believed that under this method a sufficient reserve is carried on open temporary cases to take care of those cases of permanent disability which may emerge from this class subsequent to the valuation date. In this connection attention may be called to the very great difficulty of distinguishing a case of permanent total disability not due to dismemberment from a long-term case of temporary disability. It is obviously impossible to follow the terms of the official award in classifying these cases, for the reason that the law provides that in case of temporary total disability compensation shall be paid to the employee during the continuance thereof, but not in excess of \$3,500. Therefore, it may be five or more years before the Commission is called upon to officially determine whether a certain injury will result in permanent total disability, since meanwhile it is merely necessary to continue the case from time to time under awards for temporary disability. Now, it is clear that if statistics as to this matter are to be of real value, they must be based not upon the terms of the official award, but upon the actual facts, so far as they may be ascertained, to show whether the injury is in all probability a permanent one. This, however, is a difficult matter.

The average value of the 2,155 temporary cases, both open and closed, was \$85.36. The closed cases include cases where compensation awarded was outstanding and unpaid December 31, 1915, provided the employee had recovered on that date. A synopsis of the 28 open cases, giving the date of accident, nature of injury, annual wages, duration, valuation factor and reserve, is given in Schedule F.

In Schedule B, appended to this memorandum, is given an analysis of the 6,685 notices which arose under "A" policies—that is, policies under the provisions of which the medical cost is borne by the State Fund and *not* by the employer. This table permits an estimate to be made of the relative proportion of total compensation payable, which is represented by each of the several classes of benefit provided in the act. Thus the cost of the death benefit is 37.3 per cent of the cost of the total; the cost of temporary total disability, 24.3 per cent; of dismemberment, 16.8 per cent; of medical, 16.6 per cent. The accuracy of these percentages depends largely, of course, upon the accuracy of the reserve computations. An exact determination of the problem on the basis of actual results would require many years of completed experience.

J. H. WOODWARD,

Feb. 7, 1916.

*Actuary.*

## Schedule A

INCURRED LOSS, JULY 1, 1914, TO JUNE 30, 1915  
(Experience brought down to December 31, 1915)

Accidents reported	KIND OF BENEFIT	Incurred loss	Average per accident
72	I a. Death: Dependents (including \$6,970 funeral). . . . .	\$287,748 88	\$3,997 00
11	b. Death: No dependents, funeral only. . . . .	1,004 50	91 00
	c. Suspended mortality. . . . .	20,276 19	
5	II Permanent total disability. . . . .	30,856 34	6,171 00
224	III Permanent partial disability—dismemberment. . . . .	118,719 30	530 00
2	IV Permanent partial disability—not dismemberment. . . . .		
28	V a. Temporary total disability—open cases as of December 31, 1915. . . . .	7,912 00	3,956 00
2,127	b. Temporary total disability—closed cases as of December 31, 1915. . . . .	81,029 00	2,894 00
(1,472)	VI Temporary partial disability. . . . .	102,922 22	48 00
4,189	VII a. Medical aid—compensable cases. . . . .	44,874 77	30 00
3,649	b. Medical aid—non-compensable cases. . . . .	28,301 88	7 00
	VIII No loss. . . . .		
10,307		\$723,645 08	

## Schedule B

INCURRED LOSS, EXCLUDING POLICIES NOT COVERING MEDICAL, JULY 1, 1914  
TO JUNE 30, 1915  
(Experience brought down to December 31, 1915)

Accidents reported	KIND OF BENEFIT	Incurred loss	Per cent total loss
40	I a. Death: Dependents (including \$3,922 funeral). . . . .	\$152,834 88	
7	b. Death: No dependents, funeral only. . . . .	609 50	
	c. Suspended mortality. . . . .	10,818 19	
3	II Permanent total disability. . . . .	14,041 34	3.2
152	III Permanent partial disability—dismemberment. . . . .	74,334 30	16.8
2	IV Permanent partial disability—not dismemberment. . . . .		
16	V a. Temporary total disability—open cases as of December 31, 1915. . . . .	7,912 00	1.8
1,409	b. Temporary total disability—closed cases as of December 31, 1915. . . . .	38,409 00	
		69,269 22	24.3
(1,472)	VI Temporary partial disability. . . . .	44,874 77	
4,189	VII a. Medical aid—compensable cases. . . . .	28,301 88	
867	b. Medical aid—non-compensable cases. . . . .		
	VIII No loss. . . . .		
6,685		\$441,405 08	100.0

## Schedule C

## RESERVE VALUES FOR TEMPORARY TOTAL DISABILITY

Weeks elapsed since accident	Reserve per \$1.00 of weekly compensation	Weeks elapsed since accident	Reserve per \$1.00 of weekly compensation	Weeks elapsed since accident	Reserve per \$1.00 of weekly compensation
1	\$2 00	36	\$280 00	71	\$630 00
2	4 00	37	290 00	72	640 00
3	6 00	38	300 00	73	650 00
4	8 00	39	310 00	74	660 00
5	10 00	40	320 00	75	670 00
6	12 00	41	330 00	76	680 00
7	15 00	42	340 00	77	690 00
8	19 00	43	350 00	78	700 00
9	23 00	44	360 00	79	710 00
10	28 00	45	370 00	80	720 00
11	34 00	46	380 00	81	730 00
12	42 00	47	390 00	82	740 00
13	50 00	48	400 00	83	750 00
14	60 00	49	410 00	84	760 00
15	70 00	50	420 00	85	770 00
16	80 00	51	430 00	86	780 00
17	90 00	52	440 00	87	790 00
18	100 00	53	450 00	88	800 00
19	110 00	54	460 00	89	810 00
20	120 00	55	470 00	90	820 00
21	130 00	56	480 00	91	830 00
22	140 00	57	490 00	92	840 00
23	150 00	58	500 00	93	850 00
24	160 00	59	510 00	94	860 00
25	170 00	60	520 00	95	870 00
26	180 00	61	530 00	96	880 00
27	190 00	62	540 00	97	890 00
28	200 00	63	550 00	98	900 00
29	210 00	64	560 00	99	910 00
30	220 00	65	570 00	100	920 00
31	230 00	66	580 00	101	930 00
32	240 00	67	590 00	102	940 00
33	250 00	68	600 00	103	950 00
34	260 00	69	610 00	104	960 00
35	270 00	70	620 00		

## Schedule D

PERMANENT TOTAL DISABILITY ACCIDENTS OF JULY 1, 1914, TO JUNE 30, 1915  
RESERVE OF DECEMBER 31, 1915

Case No.	Date of accident	NATURE OF INJURY	Age	Two-thirds annual wage	Valua-tion factor	Reserve December 31, 1915
1	Aug. 12, 1914	Contusion of hip; spinal concussion; nervous symptoms; pains in head and spine.				
2	Aug. 29, 1914	Paralyzed from waist down; no use of lower limbs.	26	\$380 12	21.123	\$8,029 27
3	Nov. 6, 1914	Left hip injured, resulting in shortening leg one inch; inability to recover, due to advanced age, 67.	35	449 80	19.471	8,761 37
4	Nov. 18, 1914	Paralysis of left side; complete loss of sensation and motion.	67	300 04	9.379	2,814 08
5	May 21, 1915	Paralysis of left side.	56	399 88	13.475	5,388 38
			61	374 40	11.649	4,361 39

## Schedule E

PERMANENT PARTIAL DISABILITY—NOT DISMEMBERMENT—ACCIDENTS OF  
JULY 1, 1914, TO JUNE 30, 1915. RESERVE OF DECEMBER 31, 1915

Case No.	Date of accident	NATURE OF INJURY	Age	Annual wage	Annual compensation	Valuation factor	Reserve December 31, 1915
1	July 3, 1914	Arms and left side of body burned and torn by pieces of copper.....		54 \$1,200 00	8280 28	14.172	\$3,072 13
2	Feb. 2, 1915	Laceration of scalp and fracture of ribs.....	34	900 00	200 20	19.680	3,939 94

## Schedule F

TEMPORARY TOTAL DISABILITY—ACCIDENTS OF JULY 1, 1914, TO JUNE 30, 1915  
RESERVES OF DECEMBER 31, 1915

Case No.	Date of accident	NATURE OF INJURY	Weekly compensation	Valuation factor	Reserve December 31, 1915
1	July 20, 1914	Thigh bone broken.....	\$7 60	670	\$5,152 30
2	July 27, 1914	Tibia and fibula fractured.....	5 77	660	3,808 20
3	Sept. 23, 1914	Bones of foot broken.....	8 65	580	5,017 00
4	Oct. 18, 1914	Foot fractured.....	8 65	550	4,757 50
5	Dec. 9, 1914	Ankle broken.....	5 00	470	2,350 00
6	Dec. 11, 1914	Ankle fractured.....	15 00	470	7,050 00
7	Jan. 27, 1915	Burns over whole body.....	7 69	400	3,076 00
8	Feb. 4, 1915	Bruises and sprains.....	10 58	390	4,126 20
9	Feb. 6, 1915	Hand fractured.....	7 11	390	2,772 90
10	Feb. 20, 1915	Compound fracture of leg.....	11 54	370	4,269 80
11	Mar. 1, 1915	Shoulder and back bruised.....	16 92	360	2,491 20
12	Mar. 5, 1915	Arm and leg broken.....	15 00	350	5,250 00
13	Mar. 6, 1915	Hand fractured.....	7 05	350	2,467 50
14	Mar. 20, 1915	Scalp, arm and back lacerated.....	15 00	330	4,950 00
15	Mar. 26, 1915	Compound fracture of leg.....	15 00	320	4,800 00
16	April 24, 1915	Fracture of tibia and fibula.....	8 08	280	2,262 40
17	April 28, 1915	Knee cap cut.....	7 69	270	2,076 30
18	May 19, 1915	Compound fracture of leg.....	7 69	240	1,845 60
19	June 1, 1915	Fracture of knee cap.....	10 90	220	2,398 00
20	June 1, 1915	Arch of foot fractured.....	6 73	220	1,480 60
21	June 7, 1915	Lower end of femur fractured.....	13 50	220	2,750 00
22	June 8, 1915	Thigh and fibula fractured.....	7 31	210	1,535 10
23	June 9, 1915	Ankle fractured.....	6 73	210	1,413 30
24	June 11, 1915	Pott's fracture of ankle.....	11 54	210	2,423 40
25	June 17, 1915	Tibia and fibula fractured.....	13 46	200	2,692 00
26	June 24, 1915	Leg broken.....	7 69	190	1,461 10
27	June 28, 1915	Tibia fractured.....	9 61	180	1,825 90
28	June 30, 1915	Coccyx broken.....	7 33	180	1,319 40

**Part IV**

**REPORT OF BUREAU OF MEDIATION AND  
ARBITRATION**

**[167]**



REPORT OF THE THIRD DEPUTY COMMISSIONER  
(IN CHARGE OF BUREAU OF MEDIATION AND ARBITRATION)

*To the Industrial Commission:*

I have the honor to submit the following report of the operations of this Bureau for the year ending September 30, 1915.

The number of industrial disputes recorded for 1915 is 104. This is the smallest number ever recorded in the Bureau. The number of persons directly involved is 53,855, indirectly 2,407. The total number of working days lost by those directly involved is 829,395, indirectly involved, 39,443. The number of working days lost by those directly involved in strikes recorded in the year ending September 30, 1914, was 936,789, indirectly, 489,329. Forty-three strikes in 1915 were caused for an increase in wages, 12 for shorter hours, which is more than half the number of disputes occurring during the year. Forty-one strikes were successful, 17 partly successful and 44 failed as compared with 36 successful, 38 partly successful, and 49 failed in 1914.

The Bureau intervened in 49 disputes, arranged 33 conferences, and was successful in adjusting 27 disputes. Twelve requests were received for intervention. One dispute concerning piece work prices in a shoe factory in Brooklyn was adjusted by arbitration on request of both parties. A mediator of the Bureau acted as arbitrator.

Of the strikes occurring in 1915, 33 were in the building trades, 27 in the metal and machine trades, 15 in the clothing industry, 8 in transportation, and 5 in the papermaking industry. Two serious strikes occurred in public service corporations, the Auburn & Syracuse Electric Railroad and the United Traction Company of Albany.

The strike on the Auburn & Syracuse Railroad was caused by a jurisdictional dispute between the Amalgamated Association of Street and Electric Railway Employees, the Brotherhood of Locomotive Engineers, and the Order of Railroad Conductors. The timely intervention by the Commissioner of Labor resulted in the

matters in dispute being referred to an arbitration board. It prevented what might have been a complete tieup of all the traction lines in Syracuse, Rochester and interurban lines in that vicinity. The strike on the United Traction lines was caused by a change in the manner of discipline of employees when charged with violations of the company's rules. The strike lasted four days, completely tying up the entire system and inconveniencing some 250,000 people in Albany, Troy, Cohoes, Watervliet and vicinity. An agreement was reached whereby the disputed points were to be decided by an arbitration board. Three days of inconvenience could have been saved to the public, regardless of the wages of the men and the profit to the company, if the request for arbitration made by the Bureau's representative at the conference held between the representatives of the company and the men the first day the strike occurred, had been granted.

The next important strikes were in the clothing industry, the majority occurring in New York City. Three thousand ladies' garment workers were out for 28 days for an increase in wages and union recognition which resulted in a compromise. Five thousand garment workers were out 15 days for an increase in wages and a 48-hour week. The strike was successful. There were 28,628 involved in disputes in this industry, losing 314,328 days.

Of the 33 strikes occurring in the building industry, only a few involved any great number of employees. In Rochester 600 painters went on strike for an increase in wages and after 27 days a compromise was effected. In New York City 3,000 plasterers and 2,000 laborers lost 18 days in their strike for an increase in wages which they settled by compromise. In this industry 8,297 employees were involved causing a loss of 148,539 working days.

In the metal trades 27 strikes occurred. The most serious of these was with machinists and molders. At Ilion 1,092 went on strike for an increase in wages. After 7 days they returned to work agreeing to try out a schedule proposed by the company. In Brooklyn 850 metal workers struck for a 48-hour week and an increase in piece work prices. After 2 days on strike they were granted the 48-hour week, the piece prices to be adjusted later. Seven hundred machinists went on strike in New York City for an 8-hour day and after 18 days gave up the strike as lost. In

Colonie 221 molders struck, contending some of their men were discharged for joining the molders' union. The company contended it was for lack of orders, and not discrimination. After being out 39 days they returned to work. At Elmira 238 machinists went out for the signing of a trade agreement, and after 78 days returned unconditionally. Four hundred ninety-eight machinists struck at Dunkirk, dissatisfied with piece prices. After 6 days they returned with a guarantee of the company they would not make less than four dollars per day. At Buffalo 240 steel workers went on strike for the removal of the superintendent and the adjustment of working conditions. After 73 days they returned to work, the superintendent was retained and other conditions adjusted. Three hundred fifty chandelier makers in New York City struck for an increase in wages and for reduction in hours from a 59 to a 50-hour week, and recognition of the union. After 10 days they returned to work and the hours were reduced to 53 per week. In the metal industry 9,986 men were involved, losing 155,843 days.

Eight strikes occurred in transportation, 3 of which were in New York City among the longshoremen for an increase in wages, involving 2,390 employees. One thousand five hundred forty-two motormen and conductors were involved in the strike of the United Traction Company and 148 in the strike of the Syracuse & Auburn Railroad Company. Four thousand eight hundred and ninety were involved in disputes in transportation, losing 28,644 days.

In the paper and pulp industry 5 strikes occurred. These were in the vicinity of Watertown for an increase in wages and the signing of a closed shop agreement. After 85 days on strike an adjustment was reached. Two weeks after work had been resumed, another strike occurred, the strikers contending the employers failed to live up to the agreement that terminated the first strike. In this industry 675 employees were involved, losing 55,620 working days.

In the leather and rubber goods industry 4 strikes occurred, involving 1,181 employees with a loss of 50,694 days. Three were for an increase in wages and one against the discharge of an

employed. Three failed and one for an increase in wages was successful.

In the wood manufacturing industry 3 strikes occurred, 207 employees being involved. Two were for a reduction in hours and one for the reinstatement of a discharged employee. A compromise was reached in the demands for a reduction in hours. The strike failed for the reinstatement of a discharged employee with a loss of 2,223 working days.

In the food products industry 2 strikes occurred, involving 850 workers for an increase in wages. One strike of 800 employees failed and the strike of 50 employees was successful. The number of working days lost was 10,550.

Two strikes occurred in the clay and glass industry. One at Haverstraw, involving 1,500 brickmakers, who struck against an increase in output. Five hundred glass cutters in Brooklyn struck for an increase in wages. Both strikes failed. Two thousand employees were involved and 100,800 working days lost.

The tables appended herewith give essential figures for comparison with previous years.

FRANK BRET THORN,  
*Third Deputy Commissioner*

## COMPARISON OF INTERVENTIONS, 1914-1915

	1914	1915*
Number of disputes in which intervention occurred.....	62	49
Number of requests received for intervention.....	20	12
Number of disputes in which intervention was successful.....	41	27
Number of disputes in which intervention was unsuccessful.....	21	22
Number of interventions before strikes.....	11	4
Number of disputes in which conferences were arranged.....	37	33
Number of disputes settled by mediation with parties separately.....	9	...
Number of disputes settled by arbitration.....	4	3
Number of public investigations conducted.....	1	1

## COMPARISON OF DISPUTES, 1912-1915

	1912	1913	1914	1915
Number of strikes and lockouts.....	184	268	123	104
Employees involved { directly.....	57,340	286,180	61,182	53,855
indirectly.....	34,851	18,121	3,716	2,407
Aggregate days of working time lost.....	†1,512,234	†7,741,247	†1,426,118	†868,838

\* Particulars of interventions in 1915 are given in the table which is appended to this report.

† To end of all disputes.

## TRADES AFFECTED

	NUMBER OF DISPUTES		NUMBER OF WORK- ING DAYS LOST	
	1914	1915	1914*	1915
1. Stone, clay, glass products.....	2	2	1,070	100,800
2. Metals, machines, conveyances.....	19	27	203,473	154,143
3. Wood manufactures.....	2	3	83,460	2,223
4. Leather and rubber goods.....	11	4	125,162	50,694
5. Chemical, oils, paints, etc.....		1		1,625
6. Paper and pulp.....		5		55,620
7. Printing and paper goods.....	2		2,655	
8. Textiles.....	5	2	97,957	1,672
9. Clothing, millinery, etc.....	16	15	152,812	314,328
10. Food, liquors, tobacco.....	7	2	26,174	10,550
11. Water, light, power.....				
12. Building industry.....	38	33	141,866	148,539
13. Transportation.....	17	8	36,604	28,644
14. Trade.....	2		1,955	
15. Hotels, restaurants, etc.....				
16. Professions.....	2		15,899	
17. Public employment.....				

## PRINCIPAL CAUSE OR OBJECT OF DISPUTES

	NUMBER OF DISPUTES		NUMBER OF WORK- ING DAYS LOST	
	1914	1915	1914	1915
Increase in wages.....	45	43	288,229	330,236
Reduction in wages.....	5	2	17,114	37,504
Shorter hours.....	5	12	84,213	96,587
Longer hours.....	1		500	
Trade unionism.....	46	17	463,326	204,366
Particular persons.....	12	14	30,981	97,649
Working arrangements.....	5	4	2,830	48,690
Payment of wages.....		3		1,526
Sympathetic.....	1	1	1,524	168
Miscellaneous.....	3	6	370	52,112

## RESULTS OF DISPUTES

	NUMBER OF DISPUTES	
	1914	1915
Strikes successful.....	36	41
Strikes partly successful.....	38	17
Strikes lost.....	49	44

## METHOD OF SETTLEMENT OF STRIKES WON OR COMPROMISED

	NUMBER OF DISPUTES	
	1914	1915
Direct negotiations between parties.....	44	42
Mediation by State Bureau.....	24	15
Mediation by other agencies.....	2	1
Arbitration.....	4	2

\* The figures in the above table showing working days lost in 1914, include only time lost up to and including September 30, 1914.

## TABULAR SUMMARY

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
Albany.....	Electricians.....	May 17, 1915	80	May 24 to Sept. 13, 1915
Albany.....	Motormen and conductors.....	Sept. 6, 1915	1,542	Sept. 6, 1915
Albany.....	Building trades.....	Sept. 18, 1915	40	Sept. 29, 1915
Blasdell.....	Iron and steel workers.....	April 30, 1915	360	June 15, 1915
Buffalo.....	Building trades.....	Oct. 31, 1915	350	Oct. 22, 1915
Cooper.....	Molders.....	May 25, 1915	429	May 25, 1915
Dunkirk .....	Machinists.....	Aug. 30, 1915	518	Sept. 1, 1915
Elmira.....	Machinists.....	May 6, 1915	333	May 4, 1915
Haverstraw.....	Brickmakers.....	June 22, 1915	1,500	June 25, 1915
Ilion.....	Machinists.....	Aug. 2, 1915	1,193	Aug. 5, 1915
Jamestown.....	Machinists, etc.....	Aug. 10, 1915	130	Aug. 21, 1915
Mt. Vernon.....	Raincoat makers.....	Feb. 23, 1915	28	Mar. 3, 1915
Massena.....	Laborers.....	July 31, 1915	600	Aug. 2, 1915
New York City.....	Chandelier makers.....	Oct. 8, 1914	700	Oct. 9, 1914
New York City.....	Umbrella makers.....	Oct. 20, 1914	400	Oct. 31, 1914
New York City.....	Chandelier makers.....	Nov. 30, 1914	60	Nov. 30, 1914
New York City.....	Chandelier makers.....	Threatened	40	Jan. 5, 1915
New York City.....	Smoking pipe makers.....	Threatened	65	Feb. 11, 1915
New York City.....	Tailors.....	Feb. 10, 1915	70	Feb. 19, 1915
New York City.....	Chandelier makers.....	Mar. 8, 1915	20	Mar. 11, 1915
New York City.....	Waist makers.....	Mar. 22, 1915	130	April 22, 1915
New York City.....	Smoking pipe makers.....	Mar. 25, 1915	125	April 1, 1915
New York City.....	Ladies' waist makers.....	April 27, 1915	50	April 28, 1915
New York City.....	Laundry workers.....	May 1, 1915	200	May 7, 1915
New York City.....	Jewelry workers.....	May 14, 1915	104	May 25, 1915
New York City.....	Longshoremen.....	July 20, 1915	1,800	July 22, 1915
New York City.....	Machinists.....	Aug. 2, 1915	700	Aug. 2, 1915
New York City.....	Embroidery.....	Aug. 24, 1915	500	Aug. 24, 1915
New York City.....	Milk wagon drivers.....	Sept. 6, 1915	90	Sept. 7, 1915
New York City.....	Longshoremen.....	Sept. 17, 1915	510	Sept. 18, 1915
New York City.....	Jewelry workers.....	Sept. 20, 1915	54	Sept. 28, 1915

## OF INTERVENTIONS

Result of intervention	Result of strike
Conference arranged on May 24th. Employers agreed to submit matters in dispute to arbitration. Strikers refused. September 13th another conference was arranged, arbitration agreed upon. Later electricians refused to submit to arbitration.	Strike partly successful. Intervention requested.
Conference arranged between representatives of the company and union. No agreement reached. Another conference arranged on the 10th by the Chamber of Commerce. Dispute was submitted to arbitration.	Strike successful.
Conference arranged between general contractor and committee from building trades. All returned to work except the carpenters who returned later. Efforts to arrange a conference were unsuccessful. Manager refused to treat with union officials or committee from strikers. Vice-president met a committee of strikers later which resulted in settlement.	Strike successful. Intervention requested.
Efforts to arrange a conference were unsuccessful. Employers refused to meet or treat with men on strike.	Strike partly successful.
Conference arranged between superintendent and committee of strikers resulted in settlement.	Strike failed. Strikers returned to work.
Conference arranged between general manager and committee of strikers resulted in settlement.	Compromise.
Efforts to arrange a conference were unsuccessful. The president of the company agreed to meet a committee of employees, but the union insisted he meet them as a union committee.	Strike partly successful.
Several efforts to arrange a conference were unsuccessful. Employers insisted on output established.	Strike failed. Intervention before strike; intervention requested.
Conference arranged between general manager and committee of strikers which resulted in settlement.	Compromise.
Efforts to arrange a conference were unsuccessful. Employer refused to meet a committee of strikers or to re-employ any that were members of the union.	Strike failed. Some returned, others secured work elsewhere. Intervention requested.
Conference arranged between representatives of the company and union officials resulted in no settlement.	Strike failed.
Conference arranged between superintendent and committee of strikers resulted in settlement.	Strike successful.
Conference arranged between representatives of manufacturers and union officials resulted in settlement.	Compromise.
Efforts to arrange a conference were unsuccessful. Employers refused to meet strikers.	Strike unsuccessful.
Conference arranged between representatives of company and union resulted in settlement.	Strike successful.
Conference arranged between representatives of company and union resulted in settlement.	Successful; intervention requested.
Conference arranged between representatives of company and union resulted in settlement.	Successful; signed trade agreement. Intervention requested.
Efforts to arrange a conference failed. Employers refused to meet strikers.	Strike failed. Other employees secured.
Efforts to arrange a conference were unsuccessful. Employer refused to meet or treat with strikers.	Strike lost. Strikers returned to work.
Conference arranged between representatives of company and strikers. No settlement reached.	Strike failed. Strikers returned to work.
Efforts to arrange a conference failed. Employer refused to meet or treat with strikers.	Strike lost. Strikers returned.
Arranged a conference between representatives of company and union officials which resulted in settlement.	Dispute to be arbitrated.
Conference arranged between employers and union officials resulted in settlement.	Compromise.
Conference arranged between representatives of company and union officials resulted in settlement.	Compromise.
Conference arranged between representatives of company and strikers resulted in settlement.	Successful.
Efforts to arrange a conference were unsuccessful. Employers refused to meet or treat with strikers.	Strike failed.
Conference arranged between representatives of employers and union officials resulted in settlement.	Strike successful.
Efforts to arrange a conference failed. Employer refused to meet or treat with strikers.	Strike was unsuccessful. Strikers returned.
Arranged a conference between representatives of company and strikers which resulted in settlement.	Compromise.
Conference arranged between representatives of employers and union officials resulted in settlement.	Compromise. Trade agreement signed

## TABULAR SUMMARY OF

LOCALITY	Trade involved	Date of strike (actual or threatened)	Number of employees affected	Date of intervention
New York City.....	Longshoremen.....	Sept. 25, 1915	350	Sept. 26, 1915
New York-Brooklyn...	Glass cutters.....	Oct. 3, 1914	500	Oct. 19, 1914
New York-Brooklyn...	Cabinet makers.....	Nov. 6, 1914	57	Nov. 9, 1914
New York-Brooklyn...	Building trades.....	Nov. 2, 1914	150	Dec. 1, 1914
New York-Brooklyn...	Shoe workers.....	Nov. 9, 1914	672	Nov. 13, 1914
New York-Brooklyn...	Hat makers.....	Aug. 13, 1915	40	Aug. 21, 1915
New York-Brooklyn...	Magneto workers.....	Threatened	850	Sept. 17, 1915
Rochester.....	Shoe cutters.....	Mar. 18, 1915	25	April 21, 1915
Rochester.....	Painters.....	April 1, 1915	600	April 22, 1915
Rochester.....	Electrical workers.....	July 1, 1915	66	July 3, 1915
Syracuse and Auburn..	Motormen and conductors....	April 8, 1915	200	April 9, 1915
Watertown.....	Paper makers.....	April 12, 1915	22	April 28, 1915
Watertown, Norfolk and Dufferin.	Paper makers, etc.....	May 8, 1915	804	June 10 to Aug. 4, 1915
Watertown, Norfolk and Dufferin.	Paper makers, etc.....	Sept. 2, 1915	800	Sept. 8, 1915
Watervliet.....	Molders.....	Feb. 19, 1915	52	Feb. 20, 1915

## INTERVENTIONS—(Continued)

Result of intervention	Result of strike
Conference arranged between representatives of company and strikers resulted in settlement.	Compromise.
Efforts to arrange a conference were unsuccessful.	Strike failed. Shops closed.
Manufacturers' Association refused to meet strikers.	Compromise.
Conference arranged between representatives of company and union resulted in settlement.	Strike failed. Strikers' places filled.
Efforts to arrange a conference were unsuccessful. Employers refused to meet strikers.	Strike failed. Some returned. Places of others filled with new employees.
Efforts to arrange a conference failed. Employers refused to meet strikers.	Strike failed.
Conference arranged was unsuccessful. Employer refused to employ those on strike.	Successful intervention requested.
Arranged a conference between representatives of company and union officials which resulted in settlement.	Strike lost in intervention requested.
Conference arranged between employer and strikers was unsuccessful.	Compromise.
Conference arranged between master painters and union officials resulted in settlement.	Strike lost. New employees secured. Intervention requested.
Efforts to arrange a conference failed. President of company refused to meet or treat with strikers.	Dispute referred to arbitration.
Commissioner of Labor acting as mediator was successful in settlement.	Strike failed. New employees secured.
Intervention requested.	Strike was unsuccessful. Returned to work under old conditions. Intervention requested.
Conference arranged between general president of union and representatives of company was unsuccessful.	Strike failed.
Conference arranged between representatives of companies and union officials resulted in settlement.	Strike failed.
Public investigation by Industrial Commission. Recommendations rejected by strikers.	Strike failed.
Efforts to arrange a conference failed. Employer refused to meet strikers.	



**Part V**

**REPORT OF BUREAU OF STATISTICS AND  
INFORMATION**

[ 79]



**(1) REPORT OF CHIEF STATISTICIAN**  
**(IN CHARGE OF BUREAU OF STATISTICS AND INFORMATION)**

*To the Industrial Commission:*

The following is submitted for the purpose of "a report of the operation" of this Bureau for the year ended September 30, 1915, which seems to be required by section 46 of the Labor Law.

**PUBLICATIONS**

This Bureau is not occupied directly with the administration of laws as are other bureaus in the Department. Its function is that of furnishing information, either to the Department for its administrative work, or to the general public. The principal fruits of its work, though not all, are to be found in the publications of the Department. Accordingly, as a brief resumé of the principal completed work for the fiscal year 1915 the following publications which were issued by this Bureau within that year are here referred to:

Bulletin No. 67 — International Trade Union Statistics (24 pp.).

Bulletin No. 68 — Statistics of Industrial Accidents in 1912 and 1913 (175 pp.).

Bulletin No. 69 — Idleness of Organized Wage Earners in 1914 (41 pp.).

Bulletin No. 70 — New York Court Decisions Concerning Labor Laws from October, 1913, to January, 1915 (118 pp.).

Bulletin No. 71 — Government Labor Reports, October, 1913, to May, 1915 (29 pp.).

Bulletin No. 72 — New York Labor Laws of 1915 (67 pp.).

Bulletin No. 73 — Idleness of Organized Wage Earners in the First Half of 1915 (14 pp.).

Bulletin No. 74 — Statistics of Trade Unions in 1914 (146 pp.).

Second Annual Industrial Directory of New York (787 pp.).

The Labor Law, Industrial Code and Workmen's Compensation Law (280 pp.).

The Labor Laws of New York State (395 pp.).

The reporting of Industrial Diseases (a reprint of a twenty-five page pamphlet published in 1912).

Besides such special publications, there is also to be noted in this, as in other, years, material incorporated in the report of other bureaus, especially statistics of inspection work and compensated accidents. Mention should also be made of a series of wall charts showing the organization and work of the Department of Labor which was prepared by this Bureau as a part of the exhibit of the Department at the Panama Pacific Exposition.

Finally, this report affords opportunity for publication of the results of a special investigation of canneries, and of two statistical reports, one relating to children's employment certificates and the other to reported industrial diseases, all of which, because of their close relation to problems of inspection work, may appropriately be published here.

Besides recapitulating publications as chiefly embodying results of completed work, it is desired at this time only to note the two changes in the work of this Bureau resulting from the consolidation of the former Department of Labor and Workmen's Compensation Commission, an important inter-state movement in which the Bureau is assisting, and two changes in general organization effected during the year.

#### ACCIDENT STATISTICS

The consolidation of the Department of Labor and Workmen's Compensation Commission under the new Industrial Commission necessitated extensive changes in the work connected with accident statistics. When the consolidation occurred, no statistical bureau having been organized in the Workmen's Compensation Commission, the work connected with compensation, as well as other accident statistics, naturally fell to this Bureau to which it was assigned by the new Industrial Commission.

First of all, a radical change had to be made with respect to accident reporting. Prior to the consolidation, all accidents in manufacturing, building, mining and quarrying industries were being reported both to the Department of Labor and the Workmen's Compensation Commission. Such duplicate reporting of practically the same information, even though it went to different departments, was recognized as an excessive burden on employers before the consolidation.\* With the consolidation such duplication

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\* Tentative steps toward minimizing that evil had been taken before the consolidation.

ceased, of course, to be necessary. Its elimination was accomplished by doing away with reporting to the Bureau of Inspection, as in the former Department of Labor, and continuing one report to the Bureau of Workmen's Compensation, which succeeded the former Workmen's Compensation Commission. One effect of this change, of some significance from the statistical point of view, was to cause the suspension, for the time being at least, of some follow-up correspondence, and special investigations by inspectors, which had been previously carried on and which served to increase the completeness and accuracy of reports, particularly as to causes of accidents. And at this writing the problem of securing in the reports sufficient fullness and accuracy concerning causes to afford the statistical information which is desirable with a view to the study of prevention, remains as one still to be solved.

But in the second place, the consolidation brought large changes in the scope of the accident statistics to be compiled. On the one hand, was an extension as to industries to be covered. Not only manufacturing, building, mining and quarrying, from which alone reports were required by the Labor Law, but many other industries under the Compensation Law are now to be covered. On the other hand, there was an extension of information about each accident, from such as was designed chiefly to throw light on causes, to fuller information relating to results and cost of compensation which are of principal importance from the point of view of compensation and concerning which not only more but far better information becomes available under a compensation law. As a rough indication of the enlargement of work involved in these changes it may be noted that the first year's experience under the Compensation Law shows, as compared with experience under the Labor Law, two and a half times as many accidents reported and that compensated accidents alone equal in number nearly one-half the former total of reported accidents, for which compensated accidents several times as many items must be covered and examination of many times the amount of material must be made, in each case, as were required in connection with accidents as formerly reported.

But while noting the increase in work involved, the great opportunity in this field now open in this state should not be overlooked.

The importance of this opportunity is revealed only when it is recalled that New York is the leading industrial state in the Union and has the most advanced compensation law. The most important accident experience in this country, therefore, is here to be recorded, and made available for the guidance not only of New York, but of other states as well. It is only proper to record here the fact that in the face of the large increase in material there has been no increase in force for the handling thereof. This discrepancy is aggravated by the fact that as the consolidation did not occur until about the middle of 1915, there was then accumulated practically a year's compensation experience, so that tabulation of compensation statistics had to be taken up with the work not far from a year in arrears. It would have been highly desirable if there could have been an increase in force at least of temporary employees sufficient to catch up on the work. As it is, the situation is being handled as well as possible, by confining attention first of all to compensated accidents only and by the lending of as much aid as possible to the Division of Accidents and Diseases from other divisions, which means, of course, postponement of other work in such divisions, but this is deemed advisable in view of the necessity of bringing the work on accident statistics up to date as soon as possible. Present prospects are that the handling of compensation accidents alone will be all that is possible for some time to come. It is to be regretted that this prospect makes it uncertain when tabulations of non-compensated accidents (those causing disability of two weeks or less) can be undertaken, because statistical information concerning that class of cases is important from several points of view.

#### **INSURANCE POLICY FILING UNDER THE COMPENSATION LAW**

At the time of the consolidation of departments there was transferred to this Bureau from the former Compensation Commission, the work connected with the filing of copies of insurance policies as required by section 50 of the Compensation Law. The reason for this was the hope that it might be possible to utilize these policy records for the purpose of verifying industry classifications in connection with statistics of compensation.

This was done before there was opportunity for a careful examination of the records for statistical purposes, prompt removal of the records from former rented offices outside the capitol having been necessary at the time of consolidation. Since then the possibilities of these records for statistical purposes have been looked into, only, however, to make it clear that the existing records would not be of service in this direction. In saying this it should be emphasized that this is due to the present condition of the records. If they could be made complete and secured in somewhat different form they might be very valuable for statistical purposes. To make them thus valuable would, however, involve considerably larger resources than are now available for such work,\* or than it is likely can be made available therefor. Without such development of the records they are of service at all only in connection with the work of the Compensation Bureau. To leave them here is, therefore, quite illogical, and moreover results in confusion and delay in the transaction of business connected with them, because these records come first to the Bureau of Workmen's Compensation at its main office in New York, are then transferred to this Bureau's office at Albany, to which again the former Bureau must refer for information from the records, to say nothing of the confusing effect likely to be produced upon outsiders by correspondence relating to the filing of records received from a Bureau not related in their minds to the administration of the Compensation Law.

In view of this situation, therefore, it is urgently recommended that the work connected with filing of policy records be transferred to the Bureau of Workmen's Compensation.

#### INTER-STATE UNIFORMITY IN ACCIDENT STATISTICS

During the last few years, coincident with the rapid extension of compensation laws under which the importance of accident statistics is greatly increased, a growing movement in the direction of standardization and uniformity in such statistics has developed. It is proper to note here that this Bureau is actively assisting in

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\* When these records were transferred to this Bureau, the one employee then doing work on them was also transferred to this Bureau (being attached to the Division of Accidents and Diseases) and this was all of the help which could be regularly assigned to this work since.

this movement, being represented on all of the committees and conferences concerned in it, including the Committee on Statistics and Compensation Insurance Cost of the International Association of Industrial Accident Boards; Committees on Standard Classifications of Industries, and of Causes of Accidents, appointed by the United States Commissioner of Labor Statistics; the Accident Statistics Committee of the National Safety Council; and the Committee on Compensation Statistics of the Casualty Actuarial and Statistical Society of America.

Participation in this movement is desirable not only that the New York Industrial Commission may take its proper place in an effort whose object is of great importance for most intelligent and effective administration of compensation and safety laws, in all the states, but also because of the direct gain for the work of this Bureau through practical application thereto of classifications and methods to the working out of which many experts have contributed.

#### ORGANIZATION

The general organization of the Bureau was changed during this year by the designation by the Industrial Commission of the Division of Printing and Publication as a separate bureau of the Department with assignment of supervisory responsibility therefor to another Commissioner than the one under whose supervision the rest of the Bureau falls. This virtually separated that division from this Bureau and represents to that extent a modification of section 63 of the Labor Law, which relates to this Bureau.

During the year coincident with the removal of the Department of Labor to new offices in the capitol, the Division of Industrial Directory was transferred from the sub-office in New York to the main office of the Bureau at Albany for reasons of economy of office room and closer co-ordination of work between divisions.

L. W. HATCH,  
*Chief Statistician.*

## (2) REPORT OF INVESTIGATION OF CANNERIES

### PEA CANNERIES

#### The Canner and the Farmer

Most of the peas packed by the canners visited are grown in lots of less than five acres each. The farmer who contracts for more than ten acres is the rare exception. One farmer, owning several farms, had a contract for one hundred acres this year. This was so unusual that his reputation extended to canneries throughout the central New York district. The reasons for the relatively small acreage grown by one farmer are as follows:

(1.) Peas are not grown successively on the same ground and, according to the statements of farmers and canners, should not be grown upon the same ground oftener than once in four or five years. Just why peas cannot be grown successively upon the same ground no one seemed to know. Whether or not the nourishment taken from the soil by peas can be replaced by commercial fertilizer at a cost which would permit the farmer to follow peas with peas had not occurred to anyone interviewed. No one knew what it is that peas take from the soil. "Peas poison the land" was a common answer to my inquiry. Yet the same farmers are unanimous in their statement that any other crop following peas is almost sure to be unusually heavy. One relatively large farmer said that peas take practically nothing from the soil but "get all their nourishment from the air instead." At any rate, peas are not grown upon the same soil oftener than once in four or five years. This necessitates a shift of pea acreage every year and at times finds the farmer without any land which he can use for that purpose.

(2.) Few farmers have the mechanical equipment necessary to harvest a large acreage of peas. This does not apply to the planting, since one man can easily plant eight acres per day. And after the crop is planted it requires no further care until it is ready to be harvested. But when the road agent of the canner asks to have the peas delivered the farmer has a minimum amount of time to market his crop. An average year will yield him four or five loads per acre. If he lives four miles or more from the cannery he will usually haul but two loads per man per

day. This means that he must have a relatively complete equipment to be able to harvest even two acres of peas of one kind. At times he exchanges work with his neighbors; but this plan is not always reliable, especially if his neighbors have peas ripening at the same time. Then, too, as happened this year, hay is often ready just when peas are called in. It should be noted, however, that few farmers know how to deliver peas most economically. The loads hauled by the hundred-acre man average three and even four times as large as those hauled by his neighbors over the same roads.

(3.) With most farmers the growing of peas is a side line. This is especially true of the dairy farmers who tend their peas when they have nothing else to do. In such cases they do not get into the field until late in the morning when the peas are ready to cut and they quit working with peas in the afternoon in time to do their evening's dairy work. This means that a relatively small acreage of peas can be cared for in the short days given to this work.

(4.) Perhaps the most important reason why pea acreage is small per farmer is the risk involved. In the first place the farmer must buy at least four bushels of seed per acre at a cost of three dollars per bushel usually. His minimum cash outlay—seed only—is at least \$12 per acre. If he uses any commercial fertilizer his initial cash outlay amounts to \$18 or \$20 per acre. Occasionally a farmer obtains for his crop only about enough to pay his initial cash outlay. He has no fodder and receives no payment for his labor and that of his team in planting and harvesting his crop. On the other hand, if he plants corn his initial cash outlay does not exceed seventy-five cents per acre. If his corn crop is a complete failure—a catastrophe much more rare than a failure of pea crop—he at least loses no initial cash payment and besides he has his fodder for ensilage.

Occasionally a farmer obtains \$100 per acre above his seed on two to four acres of peas. He is satisfied with \$50 per acre, which—although he does not so calculate it—is barely payment for his labor and a fair interest return on his capital. On the whole, however, the conservative mind of the farmer remem-

bers the less than \$50 crop longer than he remembers the \$100 crop. And when one man, even in a generally prosperous season, fails to get a satisfactory crop all his neighbors are impressed with the unreliability of pea farming, whatever may have been the cause of the one man's crop failure.

(5.) Finally, many causes contribute to make particular farmers dissatisfied with their contracts. A personal grievance against a cannery superintendent or a feeling that a mistake has been made in weighing his crop may cause a farmer to refuse to renew a contract. A change in the form of the contract, even though it may prove to be advantageous to the farmer, may cause some to refuse to sign a contract until it has been tried by others.

In a year of normal acreage most canners find it necessary to make a personal canvass of the farmers to secure the renewal of their contracts. For the reasons above stated there is a considerable shifting of farmers from year to year, amounting in extreme cases to one-third or more of the acreage. Because of this shifting acreage and the difficulties the canners encounter in contracting the amount of peas desired, many of them hesitate to hold the farmers to the letter of their contracts. The canners are practically unanimous in their statements that any new burdens upon the farmer would cause him to refuse contracts altogether.

In other words, custom is the contract to which the farmer expects to adhere. The rate which he receives varies but little from year to year. The system of payment varies from cannery to cannery but not from year to year at any one cannery. The condition in which the peas are delivered is guided by custom, contract provisions to the contrary notwithstanding. So with the planting of the peas: although some contracts contain provisions regulating the planting, about the only regulation adhered to is the division of the available acreage between early and late peas. In some cases even this provision is waived and the canner permits the farmer to select the varieties which he thinks most profitable. Except for the division of acreage, which is apparently quite generally practiced, the farmer uses his own judgment about planting. This means that he plants when he thinks his soil is ready.

Furthermore, each farmer usually plants all his acreage at once, operating his drill continuously from the time he first starts to plant until he finishes his planting. If he has more than one variety of seed he plants the second kind as soon as he has cleaned his drill of the first and so on until his planting is completed. Since a farmer can plant eight acres in one day and since nearly all of the farmers grow less than eight acres each, nearly every farmer plants his entire acreage, early and late peas, in one day. The absence of regulations makes it possible for all farmers in a given community to plant all their acreage on the same day. And if their soil is similar, harvest congestion is to be expected under such conditions.

In exceptional cases canners are practicing some means of regulating the planting of their contracted crops. For example, one canner who obtains a part of his peas from a hilly upland and a part from a lower valley tries to give out his seed at such times as will, under average conditions, cause the harvesting of the crop from these two sections to occur at different times. A few canners undertake to advise their farmers as to the time of planting but they generally assume that the farmer knows at least as much about the time of planting as they do and hence leave the matter entirely to his discretion.

Because of the peculiarities of weather conditions it is not always certain that seed planted later than a previous planting will mature correspondingly later, even though the seed be of the same variety and the soil be the same. If the soil and the weather are not in proper conditions to cause the seed to germinate, one lot of seed planted several days later than another lot may germinate at the same time as the first. In such case, of course, the first planting has no advantage over the second. But where the first lot of seed actually germinates before the second lot is planted it does have a decided advantage. Even then succeeding weather conditions may ripen the two lots at the same time; but this is not nearly so apt to occur as in the former case where the first lot obtained no start over the second. In at least one conspicuous case the canner has taught his farmers to follow the second system and is obtaining results which warrant its more general use.

In one of the largest pea canneries of the state, having under contract this year approximately 1,100 acres, the canner requires every farmer who grows as much as two acres of one variety of peas to make sure that one-half of such acreage has peas already come through the ground before the other half is planted. While hesitant at first to accept contracts on this basis the farmers have now become accustomed to this plan and make little objection to it. In considering the bearing of this system upon the hours of labor of women in the canneries it is important to note that this factory has had perhaps a smaller number of long days than any other large canner of peas visited; and the number of times it has violated the hours established by the cannery permit this season is negligible. And this, too, in the face of a pack of peas which is at least as much above normal as that of other pea canners.

This case is a conspicuous exception to the general rule that canners do not attempt to regulate the planting of peas. Other canners profess ignorance of the existence in this state of such a plan. Some even denied the existence of such a system, saying that no farmer in New York State would tolerate such dictation. There is no question but what the introduction of such a plan or of any other change would encounter the opposition of custom-bound farmers. It might indeed cause the refusal of some farmers to renew their contracts. Nevertheless, by taking advantage of favorable conditions, there is little doubt but that such changes can be gradually introduced.

Next year would be a favorable year for such a change for several reasons: (1.) A concerted effort among canners, in anticipation of poor market conditions this year, has resulted in a 20 per cent reduction of acreage from that used last year. (2.) This removed the usual necessity of personal solicitation of the farmers by the canners since the latter took only what acreage was offered them at their offices. (3.) The double effect of this condition has been: (a) to leave a considerable acreage available for peas next year which might have been used for that purpose this year; and (b) to weaken in the minds of the farmer the feeling that the canner is dependent upon him and that the canner must accept the farmer's terms. (4.) The farmers this year have generally prospered from their pea acreage beyond their expecta-

tions for the year. This will cause those who grew peas this year to wish to renew their contracts for next year and will induce their neighbors who had no pea acreage this year to seek contracts for next year. (5.) In spite of the 20 per cent reduction from the acreage of last year the pack of peas this year is approximately 20 per cent larger than that of last year, owing to the increased yield per acre. (6.) Market conditions are such that the canners expect to hold over some of this year's pack rather than sacrifice their product at existing prices. (7.) Peas are sold for the most part on futures so that present indications are that the canners will not seek a large acreage for next year.

For the above reasons it seems quite clear that next year the canners will be unusually free from dependence upon the farmers (the writer recognizes, of course, that there is a sinister side to this statement but he merely accepts conditions as they are) and that at the same time the farmers will be unusually anxious for contracts since, whatever the market conditions, the prices charged to the farmer for seed and the prices paid for his products vary but little from year to year. Hence next year should be a favorable time to introduce changes which will help the canner to better control the harvesting of his crops. In fact a few cases were noted wherein canners expect to make changes in their contracts which, although of a different nature and with different ends in view, they would hesitate to make in a year when they anticipated less freedom from dependence upon the farmers.

No canner desires long hours or late hours. Every canner knows that long hours mean diminishing labor returns and that late hours mean increased overhead costs. There is no denial of the fact that different kinds of soil cause peas to ripen at different times. All admit also that two lots of seed planted a few days apart have a greater chance of maturing at different times than if they were both planted at the same time: and that a second lot planted after the first has germinated has a greater chance of maturing after the first than if it was planted merely a few days after the first lot. The canners are almost unanimous in maintaining that they cannot convince the farmers of these facts; and that if they do not permit the farmer to follow his time-hallowed custom of planting all his seed "when his soil

is ready" they cannot secure the desired acreage. Yet so few of the canners have made any earnest efforts to change this custom to a system which would benefit both canner and farmer that one wonders after all whether the canner is not harder to convince than the farmer.

The success of efforts to regulate the harvesting of peas by regulating the planting would benefit the canner by permitting him to work shorter hours and hence cheapen his overhead and labor costs; by enabling him to operate his factory without incurring the risks involved in violating the law governing the hours of his women; and by raising the quality of his pack since he would lose less through the delivery of more peas in a given time than he can handle. It would benefit the farmer by enabling him to care for a larger acreage of peas with his equipment, since the period of harvesting a given acreage would be extended. Complete success in attempting to so regulate the planting of peas that no periods of congestion will occur in harvesting them is hardly to be expected, although an expert of the Federal Bureau of Plant Industry says: "If the planter could hold up each planting until the previous planting had germinated the control of harvesting would be a comparatively simple matter, provided the character and condition of the soil and the quality and variety of seed were taken into consideration." (Bul. U. S. Dept. Labor, No. 119, p. 25.) At any rate there can be little doubt that considerable can be accomplished in the direction of minimizing the amount of congestion which now occurs at times if the canners will take advantage of favorable opportunities to overcome the prejudices of the farmer against changing his methods of planting peas.

#### Women in Canneries

Each cannery employs one or more road men who spend their time inspecting the peas contracted for by that factory. These men tell the farmer when his peas are ready for delivery and give him a reasonable time to make his delivery. Such notice is given usually twenty-four to thirty-six hours before the peas are expected at the factory. Usually twice a day — at noon and late in the afternoon — these road men communicate with the fac-

tory and notify the superintendent how many loads of peas have been ordered in for the next day. This determines the time to which the factory will operate on the day when the communications are sent. If the superintendent expects a heavy delivery of peas on the following day he will try to clear his factory that night; if he expects a light delivery he may carry over a considerable quantity of peas.

The road men have little discretion in ordering in peas. When the crop is mature enough for canning it deteriorates very rapidly and it can easily happen that while a road man can find but ten loads that are ready one day, he may have to order in sixty loads the next day to keep the peas from spoiling. The testimony of road men, canners, and farmers is unanimous that at times a single day's delay in leaving the peas in the field would make them too hard for use.

When the peas are ready for delivery they may be cut in the evening for delivery the following morning — especially if the night is cool. The sooner they are threshed upon arrival at the cannery, the better the quality of the peas. If they are not threshed at once they must be spread out as they "heat" very quickly in piles. The viners or threshing machines are tended by men. The viners are started each day two hours or more before the canning proper begins. In the rush periods the vining stations, which are situated away from the cannery, are sometimes started at one or two o'clock in the morning, in order that the women may start work at seven o'clock. The viners at the factory usually start about two hours before the women begin work.

After the peas are shelled they deteriorate more rapidly than before and cannot usually be left over night without causing them to drop from "fancy" grade to "medium" or from "medium" to "standard." All efforts are made to can on a given day all peas that are shelled that day. To so regulate the shelling that the peas shelled could all be canned by a certain hour would mean at times the holding over of a large amount of unshelled peas until the following day. And if such following day happened to be a rush day the entire pack for that day might be below grade in case each load is held until all that preceded it is shelled.

Where two rush days come in succession and a considerable quantity of peas is held over the night between them the canner sometimes holds out the first lot and cans them as "standard," keeping the others as nearly "fancy" as possible.

In the canning of peas relatively few women are employed. The ratio of women to men varies from one to two to one to eight, according to the arrangement of the work in the factory. Perhaps one woman to four men is approximately the most common ratio. With relatively few exceptions the work of the women is confined to three operations: (1.) A few work on the capping line, dropping caps. If the caps are dropped by hand two women are employed to do this work. This is work which requires close attention and while not heavy work it is very exacting. In case an automatic dropper is used only one woman is needed to feed this dropper and to cap whatever cans the dropper misses. An increasing number of the factories are introducing the sanitary can which does away with the capping line operated by women. Where the old capping line is still in use the only reason for employing women to do the work is the saving in the difference between their wages and the wages paid to the men who would be required to do such work.

(2.) In some cases women are employed to inspect the cans after they are sealed to see that no caps are missed by the soldering machine and that no faulty seams have developed in the cans. Men do this work in some factories. Like the cap dropping, this work requires constant attention and is very exacting. Women are sometimes used on this work because they are cheaper than men. In both the work of inspection and in dropping caps the people who do this work are kept later than the other women, as their work is concerned with one of the last processes in the canning of the products. As already noted this work requires a decreasing number of women because of the increasing use of the sanitary cans.

(3.) Most of the women are employed at the sorting tables. After the peas are shelled they are passed through a cleaner which fans the light refuse such as thistle seeds from them. From here the peas are taken to the squirrel-cage grader which separates them

according to size into five grades. Any refuse such as small pebbles, thistle blows, etc., pass through the grader, also according to size. In general, number one peas are cleanest as they come from the grader while number five contains most refuse. Owing to a difference in practice among canners some send the peas from the grader to the blancher and some from the grader directly to the sorting tables. Sooner or later the peas must pass over the sorting tables where all refuse is taken out.

This is hand work and is performed by women. Notwithstanding the statements to the contrary, this work bears no relation whatever to domestic labor. Indeed it is as exacting and requires as close attention as the work done by women in knitting mills, for example. As the peas are brought to the women over a continuous belt, all refuse must be taken out. This requires exacting work with the eyes — often in artificial light — to detect the difference between thistle blows and dark colored peas or between pea shells and light colored peas and equally exacting work with the fingers to catch the refuse before it passes beyond the reach of the worker.

The peas are brought to the women over a continuous belt or table and the refuse must be picked out as the belt moves along. At times when thistles are very numerous the belt is stopped occasionally to allow the women to catch up. Ordinarily they are expected to pick out all refuse as fast as the belt brings it to them. From two to eight women work at each table according to the condition of the peas. Usually more women work at the tables carrying number fives than at any other, because more refuse is to be found in that grade. There is a great difference among canneries as to the number of women at each table. In one cannery, for example, using a double table on number three peas there were but four women employed — making actually but two women to a table. In another cannery using a single table one-half the width of the double table mentioned above, six women were employed on the same grade of peas and, as far as observation could determine, on peas in about the same condition as to the amount of refuse to be removed by the women.

There is a great difference, too, in the conditions under which these women work. Where the blancher is adjacent to the sorting tables, steamy atmosphere and sloppy floors are almost sure to

result. Sometimes, too, the noise of the machinery is very annoying to the women and undoubtedly affects their ability to stand the strain of their work. In addition to the steam from the blanchers, the air is sometimes unnecessarily hot and stuffy, because of inadequate ventilation in the rooms where the women work. In other canneries the sorting tables are so placed as to give the women good air, good light, dry floors, and freedom from the noise of the machinery. There is no reason whatever why this latter condition should not prevail in all canneries.

In some factories suitable seats with adjustable backs are provided for the use of the women at the sorting tables. In others wooden boxes or long backless benches only are supplied. Some canneries furnish rest rooms to their women workers while others do not even furnish a place for women to change their clothes, expecting them to come to the factory prepared for work.

The factories differ in their practices of obtaining women workers. Some employ only local help. Others employ only foreign help, brought in from some nearby city by a padrone and managed under the padrone system. In such cases Italians, Syrians and Poles are used. Rarely are two nationalities worked together. When outside help are used they live in barracks furnished by the canner. The difference in the employment of local and foreign help is based upon several contributing causes which do not require discussion here. One circumstance which is both a cause and a result of the employment of foreign women should be noted, however.

Where local women are employed, especially if the cannery is located in a village or small city, they do not usually depend upon their wages to the extent of feeling the loss keenly if they are unemployed. Most of them do not work for wages at any other work or at any other time of the year. For the most part they are young girls under twenty-one and old women. Since they are not wholly dependent upon their wages for their living, they are at least not dissatisfied if they are not provided with long hours of work every day. In some cases they even refuse to work long hours. And if the cannery has a short day or no work whatever occasionally, these women are not apt to quit their jobs for that reason.

On the other hand, where foreign women are imported and live at the cannery only during the canning season, they are more dependent upon their wages. In many cases, indeed, they are wholly dependent upon their wages. They are not only willing to work long hours, but anxious to do so. They even insist upon long hours and if they are not assured of steady work they become dissatisfied and on occasion quit their jobs. More often the canner takes advantage of their desire to work long hours and sees to it that no objection arises on account of short days and especially short weeks. In order to provide as many hours as possible for the women, the canner maintains a force which will give them a satisfactory day when the average day's delivery of peas is made. When the rush days come the force is not increased and the women are forced to work abnormally long hours. In such cases no effort is being made to obtain local help to take the places of the foreign women in the evenings of the long days nor is any effort being made to obtain extra foreign help for these days.

In a few cases where local women are employed, some form of relief is given the women who would otherwise work long hours. For example, one cannery which employs a few girls under eighteen obtains enough extra women in the evening to take the places of these girls. In another cannery which worked one Sunday, enough extra women were secured to take the places of the regular workers on a day in the following week in order to comply with the one-day-of-rest-in-seven law. *In one conspicuous case a canner in a village of less than 1200 people was able to secure enough extra women to run a special evening shift whenever evening work was required, permitting his regular women employees to rest.*

It is sometimes said that after ten o'clock at night men can be substituted for the women at the sorting tables. In some cases this is being done by canners who wish to operate their factories within the law. Men can do this work, though not as satisfactorily as women. Picking small bits of refuse from a stream of peas requires a deftness of touch which men do not possess. It is doubtful if the men who could be obtained for that work could do either as well or as much in a given time as the women who are now used; in spite of the fact that the men's wages average 50 per

cent more than women's wages. One canner expressed his intention of trying next year to obtain young men to sort peas, doing away with the women entirely. He hoped in this manner to be able to live within the law even at a considerable increase in cost to himself.

In considering the possibility of substituting men for women for night work it should be noted, too, that the men working in the canneries are already working exceedingly long hours, longer, in general, than any of the women work. For example, on a day when the women begin work at eight o'clock in the morning, the men will have been at work at least since six o'clock threshing peas and getting work ready for the women. Sometimes the men start threshing peas much earlier than six o'clock. In addition to the long hours of the men who work in the canneries, most of those who might be shifted to the sorting tables after ten o'clock at night are hardly desirable for the kind of work the women do.

Before leaving this topic it should be noted that there is a great difference among canners: First, in their attitude toward late hours and violation of the law regulating women's hours; and second, in the means which they employ to do away with late hours for women. Perhaps most of the canners would like to obey the law if they could do so without losing profits. Some, of course, would like to obey the law by first having it written to meet their desires; while others are sincere in their efforts to find means of living within the law as it now exists. A few assume the attitude of "business first; if the law reads to the contrary, so much the worse for the law." There is little doubt but that if the present law could be strictly enforced there would be a more active interest displayed by all canners to find means of complying with the law.

Some canners do not violate the law governing the hours of their women employees. This is due in part at least to superior management in the elimination of delays in furthering the canning processes. It is due in part also to the different systems followed by different canners. For example, in some canneries the peas are sorted before they are blanched. This enables the women to finish their work a considerable time before they would if the peas are blanched first as in other canneries. Custom seems to

rule in this process of blanch-sorting or sorting-blanch, as each canner interviewed seemed to be satisfied with the system he employed although few felt sure that theirs was the better system.

It is sometimes said that the work of the women is subject to frequent delays while changing grades of peas or while waiting for peas to be delivered, etc.—thus giving the women considerable rest periods and making the long hours "book" hours rather than actual hours worked. Such delays sometimes occur on days when the farmers are slow about bringing in their peas; but on rush days when women's hours are longest, all delays are reduced to a minimum. In fact the time lost at such times is negligible.

It has been assumed that some canners contract for a larger acreage than they are equipped to handle during normal hours and consequently that they are forced to work abnormally long hours in order to care for the excess acreage. It would be difficult to prove this assumption by statistics such as to figure from a normal capacity of acreage per line since there is so much difference in the systems followed by different canners. The acreage which can be handled easily with a given equipment by one factory might be entirely too much for another factory having, statistically at least, the same mechanical equipment. But the fact that as regards the hours of women, there are three classes of canners: (1) Those who keep within the law at all times; (2) those who exceed the limits only on rare occasions and then only because of some very unusual circumstances; (3) and those who habitually work long hours and frequently violate the law when others are obeying it — indicates very strongly that some canners are not equipped to handle the acreage they contract.

#### Relation of Wages to Hours

The women receive ten or twelve and a half cents per hour. There is no uniformity of rates in all canneries but probably one-half of the factories pay ten cents while the other half pay twelve and a half cents for the same kind of work. In some instances where local women are employed only ten cents is paid. As already noted, few of these women are dependent upon their wages for a living and most of them do not work for wages except during the canning season. Foreign women more often

receive twelve and a half cents because, being dependent upon their wages, their employers cannot secure their work for less. There are exceptions to this rule where even foreign women receive but ten cents per hour.

In the canning of peas, men are harder to obtain than women. Men are regularly employed as wage earners in other occupations, and, especially during the pea season, the demand for men in other kinds of work is usually considerable. Furthermore pea canning requires a larger proportion of men than other work at the canneries. Many men who are used in the pea season are not needed at other times. Hence to obtain sufficient male help the canner is dependent upon floaters and other temporary help. Even by using such help the canner can obtain a sufficient number only by paying the men fifty to one hundred per cent more per hour than the women are paid.

Because the men receive more per hour than the women and because there are so many more men employed than women in canning peas, the total wages paid to women constitute an average of approximately 10 per cent of the total manufacturing labor cost. In but very few cases does it exceed 15 per cent. The total manufacturing labor cost per case of number two cans of peas is twenty cents or less. Twenty-five cents per case is considered a high manufacturing labor cost. A conservative estimate of the total cost per case, including cost of raw materials, overhead costs, manufacturing cost, packing, selling, freight, etc., is \$1.75.

Using the figures which show labor costs above the average, in order to be as conservative as possible, this means: First, that the manufacturing labor cost does not exceed 14 per cent of the total cost per case; and second, that the part of the manufacturing labor cost due to women's work does not exceed 2 per cent. of the total cost per case. Assuming that, if permitted, the canners would require 10 per cent. of the women's work to be performed after 10 p. m. (and this is probably more than would be required), the cost of such labor would not exceed  $1/5$  of 1 per cent of the total cost per case. Suppose the canners were permitted to work women after 10 p. m., provided double time was paid for such work. This would mean an increased cost to the canner of not to exceed \$.0035 per case. Since the figures here used have been

very conservatively selected, a more accurate estimate of the probable increase in cost would be something less than \$.0035 per case, or an increase in total cost of less than 1/5 of 1 per cent.

Or, assuming that 25 per cent of the women's work is required to be performed after supper — i. e., beginning at 7 p. m. (and here again 25 per cent is more than would be so required)— the cost of such evening work would not exceed  $\frac{1}{2}$  of 1 per cent of the total cost per case. Suppose the canner paid time and a half for all work performed by women after supper. This would mean an increased cost to the canner of an amount not to exceed \$.004375 per case. Again since the figures used have been very conservatively selected, a more accurate estimate of the probable increase in cost would be something less than \$.004375 per case, or an increase in total cost of less than  $\frac{1}{4}$  of 1 per cent. Even double time for all work performed by women after supper would increase the cost per case only by something less than \$.00875, or less than  $\frac{1}{2}$  of 1 per cent of the total cost per case.

The statements of the canners indicate that the losses which the present restrictions upon the hours of their women employees cause them at times amount to "thousands of dollars," an amount many times the added cost discussed in the preceding paragraphs, since the season's total manufacturing labor cost in but very few canneries requires a number of five digits to express it. In reply to inquiries many of the canners admitted that extra women could be secured for work after supper provided sufficient inducement was offered. Double time was generally considered "sufficient inducement" while in some cases time and a half was so considered. However, the canners objected to trying the experiment of offering higher wages for evening help because, it was claimed, in addition to the increased burden of cost, such a plan would demoralize the regular women employees unless their rates were increased proportionately. By granting the increase to all women employees who work after supper the regular force would not be demoralized and, as shown above, the increased cost would not be burdensome especially if such a plan would save for the canner the "thousands of dollars" which he states he is now losing.

Furthermore, such an increase in rates to the women for their work after supper would not result in a demoralization of the

men employees in the factories. It is not at all likely that they, too, would demand similar increases in rates and refuse to work if their demands were not granted. Considering the kind of work done there is a wide discrepancy between men's wages and women's wages, due to the relative scarcity of men rather than to their greater contribution to the productivity of the factory. There is at present no fixed ratio of men's wages and women's wages and an increase in the latter would not necessitate a proportionate increase in the former. In fact when women and men are employed at the same kind of labor, as in snipping beans, the former sometimes accomplish more than the latter.

There can be no doubt but that the relationship of rates of wages to hours of labor is so direct that a more careful adjustment of the former would remove many of the difficulties with the latter.

#### **Recommendations**

In considering recommendations of changes in the present regulations governing the hours of women in canneries, two things should be kept constantly in mind:

First, peas are very perishable.

Second, the work performed by women is monotonous, exacting, tiresome.

Some of the canners are honestly and intelligently trying to so govern their business that they may operate within the limits of the law. Some others are honestly but not very intelligently trying to do the same. Still others are waiting for the Legislature to reverse its action in restricting the hours of labor of women in canneries by exempting the canneries from the operation of at least portions of the Labor Law. In the meantime the latter are openly violating the law, apparently with a clear conscience, relying upon the continuance of the Department of Labor's inability to convict them in their local courts. Believing that any changes in the present laws and regulations governing canneries should be in accordance with demonstrable possibilities which will relieve the canners without further endangering the health of their employees, the following recommendations are made with the expectation that, if carried out, they will tend to make the canner

who is now able to live within the law the standard for the industry.

The permit should be continued, granting an extension of time, for a period not to exceed six weeks, to pea canners. While the present period — June 25th to August 5th — is generally satisfactory to canners of peas it would be better to grant the permit for a period not to exceed six weeks of the pea season, such period to be that designated by the particular canner in his request for such permit. The reason for this proposed change is the fact that differences in soil, climate, and customs cause crops in different sections to mature at different times. The delivery of the same variety of peas at two nearby canneries sometimes occurs several days apart, while in one section of the state one canner may have finished canning peas before the heaviest rush reaches his competitor in another part of the state.

The maximum limit of sixty-six hours per week should be retained. In fact only those canners who believe that the Labor Law should not apply to canneries ask that a longer week be granted them. In those few cases where the sixty-six hour limit is being exceeded at present it is safe to say that poor management or insufficient equipment, either in machinery or labor or both, is the cause.

The limit of six days per week for women should be retained. Women especially require rest periods in the work which they perform even though they are employed but a few weeks in the year. It should be noted here that this six-day limitation does not preclude Sunday work, but does require that in case of such work there must be a compensating day of rest during the week.

The twelve-hour day should be retained. Many of the canners, in fact most of them, admit that twelve hours' work in one day is enough for any woman and that no woman should be asked to work longer than that in a cannery. As previously stated, although there are occasional rest periods on some days because of delays, such periods seldom occur on days when the women work long hours because the delays are minimized at such times.

The canner is undoubtedly hampered at times by the ten o'clock closing law. It sometimes happens that, owing to a late start, the women may not have worked more than nine or ten hours by

10 P. M. If the canner expects a heavy delivery of peas the following day it would be of considerable advantage to him if he could keep his women at work for an hour or two longer. Of course, this would mean that the women would leave the factory and walk through poorly lighted or unlighted streets at an hour when there were few people about. This is a factor which should be carefully considered in any proposal to repeal or amend the ten o'clock closing law; for during the pea canning season there are always more or less floaters, hoboes, and other strangers employed at the factory, whose presence endangers the safety of the women in going to their homes late at night. The husbands or other male members of the families of some of the women work in the factories and serve as escorts to the women at night. This is not always possible, however, since in some cases the men are detained by their work a considerable time after the women's work is finished. In other cases women who live in the same neighborhood leave the factory together. It has been suggested that the canner be made responsible for the safe conduct of his women employees to their homes when they are employed later than 10 P. M. If such a suggestion is practicable, it would remove one of the objections to extending the closing hour for women.

If the women are insured a sufficient rest period between their work-days it is doubtful if occasional late hours are more harmful than earlier hours, provided the length of the working day is not increased. However, because of other considerations the canner should be encouraged to keep within the ten o'clock limit if possible; or rather discouraged from exceeding such limit. It is therefore recommended that on any day when a canner finds it necessary to operate his factory later than 10 P. M. he shall so notify the Department of Labor. Having wired such notification, the canner may proceed to exceed the ten o'clock limit on that day, subject to the following limitations: First, that every woman shall have at least nine hours rest between work-days; second, that no woman shall work more than twelve hours in any work-day; and third, either that all work performed by women after 10 P. M. shall be compensated at double time, or that no woman who works after 10 P. M. shall have a total work-day of more than eight hours.

Upon receipt of such notification from the canner an inspector from the Department of Labor shall proceed to the cannery — on the same day if possible, or on the next day at the latest — to determine whether or not the necessity for late hours for women actually existed and whether or not the sanitation and safety of the factory is up to the standard of the best canneries of that class in the state. In case the inspector finds that an emergency requiring the women to work after 10 p. m. did not exist, the canner shall be notified that it will not be lawful for him to so employ his women again unless the existence of the emergency is certified to by an inspector of the Labor Department *before* the late hours are worked. And in case the inspector finds that the sanitation and safety of the factory is *not* up to the standard of the best canneries of that class in the state, the canner shall be notified that it will not be lawful for him to so employ his women again until an inspector of the Labor Department certifies that the defects in the sanitation and safety of his factory have been corrected. On every day that the canner desires to work late hours he shall notify the Labor Department by wire and the above procedure shall be repeated.

If the canner will exercise all reasonable efforts to control the harvesting of his crops by regulating their planting in the manner previously suggested he will minimize the necessities for late hours. By granting him the relief suggested in the above recommendations he can care for his crop even during rush periods occasioned by tricks of the weather without causing undue hardship to his women employees. It may increase his manufacturing labor cost slightly; but as already shown in detail, such increase would be very slight indeed and would be returned to him many times in the losses it would prevent.

#### New York versus Other States

The production of peas in the United States is centered in Wisconsin and New York. The distribution of all peas packed in the United States during the seven years from 1908 to 1914 inclusive is shown in the following table:

## PERCENTAGE OF TOTAL PRODUCTION OF PEAS IN THE UNITED STATES

YEAR	Wisconsin	New York	New York and Wisconsin	Next four states*	Next twelve states†	All other	Total
1908.....	39	24	63	27	9	1	100
1909.....	38	27	65	23	11	1	100
1910.....	25	31	56	25	16	3	100
1911.....	34	25	59	22	15	4	100
1912.....	36	21	57	24	15	4	100
1913.....	38	26	64	22	11	8	100
1914.....	40	22	62	19	16	3	100
Total....	37	24	61	23	13	3	100

\* Michigan, Indiana, Maryland and Ohio.

† Delaware, New Jersey, Oklahoma, Kansas, Oregon, Iowa, Illinois, Pennsylvania, Minnesota, Virginia, California, Utah.

From the above table it will be seen that approximately three-eighths of all peas produced in the United States are packed in Wisconsin; one-fourth in New York; one-fourth in the four states of Michigan, Indiana, Maryland and Ohio taken together; and one-eighth in the other twelve pea producing states. Hence Michigan, Indiana, Maryland, Ohio and Wisconsin are the chief competitors of New York in the production of peas.

Indiana has no law limiting the hours of women in factories. Michigan, Maryland and Ohio exempt canneries from the operation of the general law limiting the hours of women in factories. These four states together produce nearly as many cases of peas as New York.

The only large competitor of New York which regulates the hours of women in canneries is Wisconsin. But Wisconsin alone produces over 50 per cent more peas than New York. For that reason, when competition with the pea packers of New York is mentioned, the speaker usually has in mind the competition offered by the Wisconsin packers. Since this is true, a comparison of the Wisconsin regulations governing the hours of women in canneries with the New York law on this subject should show to what extent, if any, the New York packers are handicapped by the existing laws governing the hours of labor in canneries.

The statutory law in New York relating to the hours of women in canneries reads as follows:

A female eighteen years of age or upwards may \* \* \* be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October in each year not more than six days or sixty hours in any one week nor more than ten hours in any one day; and the industrial board shall have power to adopt rules and regulations permitting the employment of women eighteen years of age and upwards on such work in such establishments between the twenty-fifth day of June and the fifth day of August in each year not more than six days nor more than sixty-six hours in any one week nor more than twelve hours in any one day, if said board shall find that such employment is required by the needs of such industry and can be permitted without serious injury to the health of women so employed. The provisions of this subdivision shall have no application unless the daily hours of labor shall be posted for the information of employees and a time book in a form approved by the commissioner of labor, giving the names and addresses of all female employees and the hours of work by each of them in each day shall be properly and correctly kept and shall be exhibited to him or any of his subordinates promptly upon demand. No person shall knowingly make or permit or suffer to be made a false entry in any such time book.

Under authority of the above law the New York State Industrial Commission granted the following permit to canners who asked for it for the season of 1915:

This PERMIT is granted on condition that the daily hours of labor of females shall be posted in each room where such females are employed; and it will remain in force until it is extinguished by statutory limitation or until the Rules and Regulations of the Industrial Commission, subjoined hereto, are violated in the establishment to which it relates.

This PERMIT shall be surrendered to any representative of the Department of Labor upon presentation by him of an order of revocation duly signed by a Commissioner.

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**RULES AND REGULATIONS OF THE INDUSTRIAL COMMISSION**  
**Permitting the Employment of Women in Canneries Not More Than**  
**Sixty-six Hours a Week**

Pursuant to subdivision 3, section 78 of the Labor Law, and upon application to be made by the employer to the Industrial Commission, women eighteen years of age and upwards may be employed or permitted to work in canning or preserving perishable products in fruit and canning establishments between the twenty-fifth day of June and the fifth day of August, nineteen hundred and fifteen, in excess of ten hours in any one day and sixty hours in any one week, but not in excess of twelve hours in any one day nor sixty-six hours in any one week nor six days in any one week, upon compliance with the following regulations:

**A WOMAN MAY BE SO EMPLOYED**

1. At any process or part of the work which does not require continuous standing while at work, except that she shall not be so employed in the processes of labeling or packing cans;

2. Provided that every floor on which such woman is employed be drained free of liquids; but whenever any such floor cannot be kept entirely free from liquids, slat platforms shall also be furnished upon which such woman may rest her feet while at work;
3. Permits granting exemption under these rules and regulations shall be revocable by the Industrial Commission for violation of the above regulations.

INDUSTRIAL COMMISSION.

The statutory law of Wisconsin relating to the hours of women reads as follows:

No female shall be employed or be permitted to work in any place of employment or at any employment for such period or periods of time during any day, night or week, as shall be dangerous or prejudicial to the life, health, safety or welfare of such female. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders fixing a period or periods of time, or hours of beginning and ending work during any day, night or week, which shall be necessary to protect the life, health, safety or welfare of any female.

Under authority of this act the Industrial Commission of Wisconsin passed the following regulations to govern the hours of women in pea canneries during the season of 1915:

THE FOLLOWING RULES RESTRICTING HOURS OF EMPLOYMENT  
OF WOMEN IN WISCONSIN PEA CANNING FACTORIES ARE  
APPROVED BY THE INDUSTRIAL COMMISSION OF WISCONSIN  
FOR THE SEASON OF 1915:

Order No. 1. In pea canning factories where the laws regarding safety and sanitation and the orders of the Industrial Commission issued thereunder are complied with and where due provision has been made for handling the crop, women employees may be employed not to exceed 10 hours each day between the beginning and ending of work, exclusive of meal times.

Order No. 2. During the rush season, WHEN ABNORMAL CONDITIONS PREVAIL BY REASON OF BREAK DOWNS, BAD WEATHER OR CLIMATIC CHANGES, women who are engaged in the process of canning only, may be employed not to exceed 12 hours each day from beginning to ending of work, exclusive of meal times, provided, that such 12 hour days shall be limited to 15 in any one year; and provided further that time and a half pay shall be given for all time worked over ten hours a day. A day shall be considered to be the period from beginning to ending of work in any 24 hours.

Order No. 3. There must be a period of rest of at least 9 consecutive hours from the ending of work on any one day to the beginning of work on the next day.

Order No. 4. Correct permanent time records shall be kept at each plant, subject to the approval of the Industrial Commission, and open to inspection at all times, and a final report containing detailed information shall be made by the employer to the commission on blanks furnished by the commission.

Order No. 5. Copies of these regulations shall be posted in at least three different places in each factory.

#### INDUSTRIAL COMMISSION OF WISCONSIN.

The one conspicuous advantage which the canners in Wisconsin have over their competitors in New York State is the fact that, subject to the above orders, the former need not cease working their women employees at 10:00 p. m. This disadvantage to the New York canners has been noted elsewhere in this report and recommendations have been made concerning it.

In conclusion, a brief statement of the history of legislation regulating the hours of women in the states which compete with New York in the production of peas, will throw considerable light upon the trend of legislation affecting the hours of women in canneries. Of the four states which together produce nearly as many peas as New York, one, Indiana, has never had any law regulating the hours of women in factories. Since 1888 Maryland has limited by law the hours of women in woolen and cotton mills to ten per day. In 1912 all other manufacturing industries, except canneries, were made subject to the same limitations.

Both Michigan and Ohio have recently granted to canneries exemptions from the law regulating the hours of women in factories. In 1885 Michigan passed a law limiting the hours of women in factories, canneries included, to sixty per week. In 1909 this law was amended to reduce the hours of women in factories to fifty-four per week, but it specifically exempted canneries from its provisions. From 1881 to 1913 Ohio had a ten-hour law for all women in factories. The maximum week was reduced to fifty-four hours in 1913, but canneries were specifically exempted from any limitations regulating the hours of women employees.

Wisconsin passed an eight hour law for women in factories in 1883. In 1913 the Industrial Commission was given power to regulate the hours of women, as already described.

The legislation in each of the large pea-producing states recognizes that during the pea canning season the women in canneries

should not be restricted to the same hours worked by women in other factories. The laws of Wisconsin and New York, which states together produce five-eighths of all peas packed in the United States, recognize also that the women employees in canneries need protection from unlimited hours and that the necessary variations from the hours worked by women in other factories can be determined best by the state industrial commissions. Wisconsin's commission has practically unlimited power in this respect, while New York's Commission can grant only the specific exemptions permitted by law.

#### FRUIT CANNERRIES

The fruit canners (meaning by fruit here berries and cherries) have little in common with the pea canners. Strawberries are a relatively small crop in this state and present few difficulties. Raspberries and cherries cause most trouble. The former are grown three years or more from the same bushes. Occasionally a well-cared-for raspberry patch is productive for fifteen years, or even longer. Probably five years is a fair average. Cherry trees ordinarily bear for twenty years or more. Hence the problem of obtaining yearly acreage is not so great with the fruit canners as with the pea canners. Some fruit canners contract for crops for a term of years; some for one year; and some buy all or a part of their fruits from commission merchants. The latter operate in all sections of the fruit belt and compete with the canners for the products of the farmer.

Where canners depend upon commission merchants to furnish their berries the periods of congestion in packing can be removed almost entirely by regulating the purchasing to suit the capacity of the factory. Where the canners contract acreage from the farmer congestions are less easily avoided. The acreage contracted by any particular canner varies but little from year to year. The berries do not ripen all at once, so that congestion from that cause is absent. Instead, each farmer obtains several pickings from his bushes, so that ordinarily a normal delivery is made each day at the cannery. Periods of congestion are due rather to local tricks of the weather, such as a heavy rain, because of which the farmer is prevented from making his usual picking

on a particular day. This causes an unusually large picking on the day after the rain, and may result in congestion at the cannery. Cherries ripen more irregularly than berries, and, although they are not more perishable, they may cause more congestion at times.

The pea canner tries to pack on a given day the peas which are delivered on that day. He tries to carry over night only enough to start with the next day. Whenever possible to avoid it he does not carry any peas over night. If he can catch up on a given day it may be late the following morning or even afternoon before the farmers deliver enough peas to start the factory. The fruit canner, on the other hand, cans on a given day the fruit that was delivered the previous day. The berries and cherries are delivered at the cannery in the evening. Hence, barring accidents or break-downs, the fruit canner may always start his factory at 7:00 A. M. He then runs until the previous day's delivery is packed. Occasionally he includes some of the same day's delivery, especially if he expects a heavy delivery for the following day's pack.

In some cases the surplus delivery for a given day is placed in storage. In such cases these must remain in storage until a slack day occurs. Some of the factories have their own storage plants, while others pay rent at commercial plants. Storage berries keep better than others under certain conditions. For example, one canner put in storage on Saturday night berries in good condition. On Monday he received a delivery of berries which had become very ripe over Sunday. On Tuesday he received a delivery of wet berries, picked after a rain that day. Random samples were taken from each of these three lots and kept out for examination. The wet berries picked on Tuesday spoiled first; the very ripe berries picked on Monday spoiled next; and the berries which were picked in good condition on Saturday and kept in storage until Tuesday night spoiled last. The first spoiled very quickly. By Thursday morning they were unfit for use. The other two had lost quality, but were useable as pie berries until Thursday night. By Friday morning they were hardly fit for use for that purpose, though the storage berries might have

been so used. The experiment confirmed the testimony of the canners that berries can be kept in storage satisfactorily and that both over-ripe berries and those picked after a rain must be used up as quickly as possible. The same is true of cherries.

Unlike the pea canners, the fruit canners employ a very large proportion of women. Relatively few men are employed in fruit canneries. The women sort the berries, picking out the refuse, stems, "whiskered" berries, etc., and fill them from quart boxes into cans. In some factories the berries and empty cans are carried to them by hand and the empty boxes and the filled cans are taken away in the same manner. In others the empty cans and berries are brought and the empty boxes and filled cans are taken away on moving tables or belts, which are filled and emptied, as the case may be at either end of the line. Refuse is even carried away by a moving belt in some factories. The sorting of the berries is a rather slow process and requires the work of many women. In one plant visited, the continuous belt table was tried on berries this year and was pronounced a success. This reduces greatly the number of women required for sorting the berries.

There seems to be no practicable method of regulating the harvesting of the berries or cherries. However, there is not ordinarily the wide fluctuation in hours that occurs in pea canning. If a fruit canner has regularly recurring periods of congestion, it is a safe assertion that his factory is being poorly managed or that the canner has contracted for more acreage of berries or a greater amount of cherries than he is equipped to take care of. On the other hand, any fruit canner may have more than the normal delivery of fruit on a given day if local tricks of the weather, such as a heavy rain, prevents the farmers from picking his fruit on a given day and thereby causes a surplus on the following day.

Relatively few fruit canners are forced to exceed the ten o'clock limit. Because they are always able to start their factories at 7:00 a. m., the fruit canners can usually put in longer days up to 10 p. m. than can the pea canners. Nevertheless there are occasions when the fruit canners would like to exceed the ten o'clock limit. For the same reasons given in the report on the pea canneries it is not believed wise to extend this limit except on the

conditions recommended in that report. Likewise the other recommendations in that report apply equally to the fruit canners.

The change which perhaps deserves most consideration in the fruit canneries is the grant of the permit for the particular period of six weeks which the canner needs rather than the arbitrary blanket grant of the permit for the period June 25th to August 5th. About June 15th the strawberry season begins. This causes little demand for long hours. Raspberries and cherries begin in July. In some sections of the state the rush period on these occurs during the last half of July while in others it is the first half of August instead. Because there is this difference in the time of maturity of fruits — a greater difference perhaps than in the time of maturity of peas — the permit should be granted for a period of six weeks to be designated by the canner in his application for the permit.

#### **WOMEN AND CHILDREN IN BEAN CANNERRIES**

##### **Women in Factories**

In the packing of beans, women's work in the factories is confined to three operations — snipping, sorting and filling. The snipping consists of cutting or breaking off the ends of the beans. This work is seldom done in the factory building, but is done in a shed adjacent to the factory building. Payment is made on the piece-work basis, varying from three-quarters of a cent to a cent and a half a pound according to the size of the beans. One cent a pound is the rate most often paid. Some factories have a flat rate of one cent for all grades of beans. It was not possible to obtain an accurate statement of the wages per hour earned by the bean snippers without a detailed study of the time books. The statements of the canners varied so much as to be of little use.

Although some men and children work at bean snipping in the factory sheds the women predominate in numbers. Some sort of seats is provided for the workers and the systems of ventilation in most factory sheds visited are fairly satisfactory. This work is removed from the noise and heat of the factory proper. The snipping itself is not heavy work although the rates paid per pound necessitate constant application in order to obtain a fair day's wage. In most factories the snippers carry their snip-

ped beans to the scale. This takes the time of the workers and saves a small expense to the canners; but it also makes the workers better satisfied if they can see their beans weighed. This seems to be true also of those who cannot read the scale and hence do not know any more about the accuracy of the weight credited them than if they had not seen the beans weighed. In some cases the snippers must also go after their unsnipped beans and carry them back to their seats. This is a practice which takes time, especially if the snippers are forced to wait in line to have their boxes filled. It can be eliminated easily with but little added expense to the canners.

The hours of snippers in the factory sheds are not long ordinarily. Unsnipped beans can be carried over night without noticeable depreciation in quality, so that late hours at night are not required in this work. A rush of beans may be caused by successive days of wet weather which prevents the pickers from entering the field. In such case longer hours than usual may be required of the snippers; but even then excessive hours are not necessary, because the beans may be held over. In cases where the bean blight or anthracnose attack the beans the snipping and packing must be done at once in order to prevent the loss of the beans. Otherwise the discolored spots spread very rapidly and soon make the bean entirely unfit for use.

A comparatively small number of women work at the sorting tables where refuse is picked out of the moving stream of cut beans in the same manner that peas are cleaned of refuse. However, the sorting of beans is hardly as exacting as the sorting of peas. This is time work, paid for usually at ten cents per hour. A small number of women fill cans with the cut beans. Payment for this work is either piece rate or time rate, according to the custom in the factory in question.

There is very little demand for an extension of the hours of women during the bean season. Although a few canners have asked for the extension of the permit period to cover the bean season as well as the pea season, there was not sufficient evidence found to warrant such a recommendation.

**Children in Factories**

But few children under age were found working in the factories or in the factory sheds. In one factory the regular inspector had ordered fourteen children under age to quit working in the shed and in the afternoon of the same day two children under age were found working in the same shed. At other places children were found in and around the factory building and shed, but none were found at work. In some places playground facilities with attendants were provided for the children, while in others the children were left to their own resources. It is comparatively easy to keep the children out of the factories and the factory sheds and there seems to be no reason why the law should be violated in this respect.

**Picking the Beans**

In the planting and harvesting of the beans three systems are in use: (1.) The canner contracts with the farmer to grow whatever beans he and his family or hired help can tend and pick. (2.) The farmer grows the beans and the canner picks them. (3.) The canner himself grows and picks his own beans. In the first case the canner takes no responsibility for supplying help and the farmer grows only a small acreage, one to two acres or less. In the other two cases the canner establishes a farm colony of families, usually Italians, to pick the beans. The picking season lasts for six weeks or two months, so that the entire family moves out to the barracks or sheds provided for that purpose.

Since the beans are picked over four, five or more times in a season the vines must be carefully handled during the first pickings to prevent the loss of the beans which should mature later. For this reason the pickers do not enter the field in the morning until after dew is off the vines. This is usually about 7 to 8 o'clock, according to the statements of the canners and their field superintendents. The pickers leave the field by 5 o'clock in the afternoon, according to the same source of information.

Picking is done on a piece-work basis, one cent a pound being the most common rate. Each adult or recognized picker carries a sack, which forms a convenient receptacle both for carrying the beans and for weighing them. Like the snipping, no dependable figures showing hourly earnings of pickers were obtained.

**Children as Pickers**

When the picking begins the entire family goes to the field. The babes in arms are left in bundles at the end of the row or are left as charges of older children. Those three or four years old sometimes follow their mothers down the rows, clinging to their skirts or playing nearby. Such children may occasionally pick a bean or two, but they cannot be said to be working. More often children of such ages do not enter the field. The next group, ranging in age from five to eight, are old enough to make it impossible for their mothers to keep them within reach, but not old enough to make dependable workers by themselves. They are apt to destroy more vines than the beans they pick are worth. Such children usually stay at the end of the row or play in the road or in an adjoining field. Children over eight are sometimes used as pickers and if they are or appear to be eleven or twelve years of age, they are given rows of their own. Otherwise they pick into small buckets or baskets and empty their beans into the sack carried by some older picker. Small children are not given rows of their own but pick along with their mothers or older children.

**Children as Snippers**

Although the children do not ordinarily snip beans at the factory, three systems are in use which make snipping beans by children possible: (1.) A system is being introduced by which the canner buys his beans already snipped from Italian farmers with families large enough to enable them to grow, harvest and snip a small acreage of beans. (2.) In some factories it is the custom to send beans into the homes to be snipped. It is said that the women refuse to work in the factories because their small children cannot work too; whereas in the home the children work unmolested. (3.) Some canners who grow their own beans have their snipping sheds at their farms. Their colony of Italian families pick the beans in the forenoon and snip them in the afternoon. In such cases children of all ages help to snip.

#### The Attitude of the Canners

Most of the canners visited are undoubtedly trying to live within the law in so far as it prohibits the work of children in the factories. Several canners volunteered the suggestion that if their crop of beans was not unusually light and if they were unable to obtain a sufficient supply of women snippers at the prevailing rates of pay they would be less scrupulous about obeying the law which prohibits the employment of children.

In regard to the employment of children away from the factory there is little evidence to show that the canners are trying to obey the law. Where snipping is done at home the canners feel that they are relieved of all responsibility for the illegal employment of children, if such exists. Where children pick or snip beans on the farm, the canners assume that the law will not and cannot be enforced. The reply of one canner to a request for an explanation for the presence of seventy-five or more children illegally employed on his farm is typical of the attitude of the canners on this subject. He said in part — “In the first place we didn’t know that the Department of Labor was going to give any attention to the question of the employment of children on farms this season; and in the second place we don’t admit the constitutionality of that section of the Labor Law.”

#### The Problem of Law Enforcement

If the canners could obtain sufficient adult help at the prevailing rates it is quite evident that they would prefer to employ no children at all. The children, as a rule, destroy more vines than the adults and are not as careful to pick all the beans that are ready. But the rates paid are such that a family income rather than an individual income is used as the basis of calculation. The farm colonies contain but few unmarried adults. Both the canners and the adult workers expect the children to work.

However, low wages are not the only cause of child labor in the bean fields. Regardless of the wages paid the Italian parents think their children should contribute to the family income. This may be traceable in part to the fear of absolute need of such contribution later, but it is undoubtedly due in part to the lack of

appreciation of any harm that may come to the children because of the labor which they perform. The parents have been accustomed to work from childhood for their parents and they therefore expect similar treatment from their children.

Hence, even if the canners attempted to live within the law prohibiting child labor they would have considerable difficulty in enforcing the necessary rules to effect this end. In the first place it would be more difficult to keep the parents in the camps. And of those who stayed it would require constant policing of every part of the field to keep out the children. In violation of the orders of the superintendent the parents encourage and even force the children to return to work.

#### Conclusion

Some of the canners visited claim that they are living within the child labor law. Since no one was working at the time their farms were visited there is no evidence to disprove their claims. But at the farms visited at the time the beans were being picked or snipped, children were being employed with apparently no attempt to keep within the law. Enough of such visits were made to warrant the belief that the illegal employment of children on the farms during the bean season is quite general.

If the employment of children in picking or snipping beans for a few hours a day is detrimental to the health of such children, some means of enforcing the law should be found. If the health of the children is not impaired by such work the law should be repealed, since its existence and non-enforcement weakens, in the minds of the canners, the determination to try to live up to the other laws which affect their business.

### (3) REPORTED INDUSTRIAL DISEASES

By a law passed in 1911, attending medical practitioners are required to report to the Department of Labor all cases of poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or compressed air illness, contracted as the result of the nature of the patient's employment. In 1913 poisoning from brass or wood alcohol was added to the above list. The total number of cases reported to the Department of Labor during the three years from September 1, 1911, to August 31, 1915, inclusive is recorded in the following table (see detailed figures in table appended).

#### SUMMARY OF INDUSTRIAL DISEASES REPORTED 1912-1915

DISEASE	Total cases	Thereof known fatal
<b>Lead poisoning:</b>		
Manufacture of white lead.....	19	...
Manufacture of electric batteries.....	70	4
Smelting.....	9	1
Manufacture of paints, inks and colors.....	16	2
Printing.....	8	3
Painting in shops.....	67	10
All other manufacturing.....	48	6
House painting.....	159	33
Other or indefinite.....	15	5
<hr/> Total.....	<hr/> 411	<hr/> 64
Other poisonings.....	26	3
Anthrax.....	10	5
Caisson disease.....	61	1
<hr/> Grand Total.....	<hr/> 508	<hr/> 73

Any attempt to draw general conclusions from the statistics presented in the above table must recognize that these statistics are very incomplete. In spite of the fact that the law requires attending physicians to report all cases of the industrial diseases listed above, the reports which reach the Department of Labor aggregate but a small part of the number of cases which occur each year.

No complete statistics of industrial diseases in the state as a whole are available. During 1915, however, an investigation of the records of the hospitals of New York City was made which affords some comparison for that portion of the state. For the

three years from September 1, 1911, to August 31, 1914, the cases of reportable industrial diseases treated in these hospitals and the number of such cases reported to the Department of Labor are shown in the following table:

NEW YORK CITY HOSPITAL CASES OF REPORTABLE INDUSTRIAL DISEASES  
1912-1914

DISEASE	Total cases treated	Thereof reported to Depart- ment of Labor	
		101	2
Lead poisoning.....	378		
Arsenic poisoning.....	5	2	
Mercury poisoning.....	2		1
Brass poisoning.....	2		
Caisson disease.....	7		1
 Total.....	 394	 105	

In other words, only about one-fourth of the cases of reportable industrial diseases which were treated in the hospitals of New York City were reported to the Department of Labor. Furthermore, there is reason to believe that the reports from these New York City hospitals are relatively more complete than those from other reporting hospitals and physicians in the remainder of the state.

Comparing the two tables above it is fair to estimate that during the three years from September 1, 1911, to August 31, 1914, there were probably not less than 1,500 cases of reportable industrial diseases in New York State. Since only 388 of these were reported (see appended table) the futility of attempting to draw general conclusions from reported cases is at once apparent. The best that can be said is to point out the significant facts presented by the cases reported, since it is not known that these are representative of all cases occurring in the state. In fact, the cases reported are probably not representative of all cases treated.

Of the total number of cases reported, 15 per cent are known to have resulted fatally and 85 per cent were non-fatal cases. In lead poisoning alone these proportions were 17 per cent and 83 per cent respectively. Lead poisoning furnished 81 per cent of all cases reported; 78 per cent of all non-fatal cases; and 90 per cent of all fatal cases. Of the total number of lead poisoning

cases, house painting furnished 41 per cent of all cases reported; 40 per cent of all non-fatal cases; and 47 per cent of all fatal cases.

## INDUSTRIAL DISEASES REPORTED UNDER § 65 OF THE LABOR LAW\*

(Figures in parentheses denote fatal cases)†

DISEASE AND INDUSTRY	Sept., 1914-	Sept., 1913-	Sept., 1912-	Sept., 1911-	Total (4 years)	
	Aug., 1915	Aug., 1914	Aug., 1913	Aug., 1912		
<b>LEAD POISONING</b>						
Manufacturing:						
White lead.....	11	.....	1	7	19	
Electric batteries.....	22	(3) 13	(1) 14	21	(4) 70	
Smelting.....	4	1	2	(1) 2	(1) 9	
Paints, inks and colors.....	3	(1) 4	(1) 7	2	(2) 16	
Printing.....	.....	(2) 4	(1) 3	1	(3) 8	
Painting (in shops, etc.).....	(1) 11	(4) 13	(4) 21	(1) 22	(10) 67	
Miscellaneous.....	(1) 15	(3) 9	(2) 14	10	(6) 48	
Total.....	(2) 66	(13) 44	(9) 62	(2) 65	(26) 237	
Building:						
Painting.....	(8) 30	(11) 30	(10) 48	(4) 51	(33) 159	
Plumbing, etc.....	.....	.....	1	(2) 3	(2) 4	
Total.....	(8) 30	(11) 30	(10) 49	(6) 54	(35) 163	
Other or indefinite.....						
Total—lead poisoning.....	(1) 2	.....	(2) 3	6	(3) 11	
Total—lead poisoning.....						
<b>OTHER POISONINGS</b>						
Arsenic.....	.....	1	.....	4	5	
Brass.....	10	2	1	1	14	
Mercury.....	1	(1) 1	2	(1) 1	(2) 5	
Phosphorus.....	.....	.....	.....	(1) 1	(1) 1	
Wood alcohol.....	.....	.....	1	.....	1	
Total.....	11	(1) 4	4	(2) 7	(3) 26	
<b>ANTHRAX</b>						
Tanning, leather dressing, etc....	(3) 4	(1) 1	(1) 3	2	(5) 10	
<b>CAISSON DISEASE</b>						
Shafts, tunnels, etc.....	7	24	1	(1) 29	(1) 61	
Grand Total.....	(14) 120	(26) 103	(22) 122	(11) 163	(73) 508	

\* Includes cases reported by employers as accidents.

† Record of fatal cases obtained only from certificates filed with boards of health.

## (4) CHILDREN'S EMPLOYMENT CERTIFICATES ISSUED IN 1914 AND 1915

### INTRODUCTORY

The number of employment certificates issued to children in this state since 1896, as they have been reported to the Department of Labor, is as follows:

YEAR	Number	YEAR	Number	YEAR	Number
1897.....	11,011	1903.....	24,005	1910.....	45,272
1898.....	13,359	1904.....	12,401	1911.....	50,655
1899.....	16,240	1905.....	12,124	1912.....	53,047
1900.....	20,383	1906.....	23,299	1913.....	†59,000
1901.....	*18,708	1907.....	25,629	1914.....	42,468
1902.....	22,539	1908.....	26,929	1915.....	46,313
		1909.....	37,402		

In large degree, fluctuations from year to year reflect important changes made in the law regulating the certificate requirements. In 1903 the law was amended to make proof of age more exact. This undoubtedly accounted for a large share of the decrease in the number of certificates for the following year, although a part of the decrease (probably less than 25 per cent) was due to the abolition of vacation certificates in the same year. In 1905 the proof of age requirements were relaxed somewhat and resulted in an increase in the number of certificates reported for the following year. In this case a part of the increase (probably not to exceed 15 per cent) was due to the reporting of mercantile certificates in 1906, for which there were no corresponding reports in 1905. The increase in the educational requirements by the law passed in 1913 resulted in a marked decrease in the number of certificates reported for 1914. In this last case the decrease from this cause was probably somewhat greater than the table indicates, for at the same time the law was amended to require duplicates of the records of examination for mercantile certificates, as well as for factory certificates, to be forwarded to the Commissioner of Labor. However, the increase in the number reported due to this cause was probably very slight, since the reporting health authorities from the beginning did not always distinguish between factory certificates and mercantile certificates.

\* Ten months.

† Estimated on the basis of figures for first and second class cities.

and frequently reported both, though not required to report the latter previous to 1913.

#### CERTIFICATES ISSUED IN 1915

Table A appended shows the geographical distribution in the state of the certificates issued in the year ended September 30, 1915, first, by counties, cities and villages, supplemented by a table recapitulating the figures for cities in alphabetical order.

#### CERTIFICATES ISSUED IN 1914

In the reports of physical examinations of children seeking employment certificates, first required by law in 1912, is given the country of birth of the child's father in each case. Some special tabulations of this information in connection with sex and age data were made for the year ended September 30, 1914, the results of which are here presented.

Table 1 shows the distribution of children to whom certificates were granted in 1914, by sex and locality. (For more detailed figures see Table B appended.

TABLE 1. DISTRIBUTION OF CHILDREN TO WHOM CERTIFICATES WERE ISSUED IN 1914 BY SEX AND LOCALITY

LOCALITY	MALES		FEMALES		TOTAL	
	Number	Per cent	Number	Per cent	Number	Per cent
Albany.....	201	63.0	118	37.0	319	100.0
Buffalo.....	1,908	63.9	1,076	36.1	2,984	100.0
New York.....	18,683	58.1	13,454	41.9	32,137	100.0
Manhattan Borough.....	8,537	56.6	6,557	43.4	15,094	100.0
Brooklyn Borough.....	6,515	59.6	4,420	40.4	10,935	100.0
Bronx Borough.....	1,975	60.9	1,269	39.1	3,244	100.0
Queens Borough.....	1,418	58.1	1,024	41.9	2,442	100.0
Richmond Borough.....	238	56.4	184	43.6	422	100.0
Rochester.....	809	58.7	569	41.3	1,378	100.0
Schenectady.....	153	76.5	47	23.5	200	100.0
Syracuse.....	448	66.7	224	33.3	672	100.0
Troy.....	98	56.6	75	43.4	173	100.0
Utica.....	264	60.0	176	40.0	440	100.0
Yonkers.....	143	75.3	47	24.7	190	100.0
Remainder of State.....	2,329	57.4	1,725	42.6	4,054	100.0
Total.....	25,036	58.8	17,511	41.2	42,547	100.0

In the state as a whole 58.8 per cent of all certificates were granted to boys and 41.2 per cent were granted to girls. The sex distribution for the state as a whole is governed by the sex distribution in New York City, since over three-fourths of all certificates issued in the state were granted to children in New York City. Six of the other cities listed in the above table, or all but Rochester and Troy, show a greater proportion of boys than does the entire state. The explanation of this difference is to be sought in the kinds of industrial opportunities offered in such cities. For the most part their industries employ a larger proportion of boys than do the industries of New York City. The ratio of boys to girls in the small cities and in all villages in the state (designated collectively in Table 1 as "Remainder of State") is approximately the same as in New York City.

Child labor, like the industries which employ it, is concentrated in the urban centers. Table 2 shows the relation of population distribution to the distribution of child labor certificates issued in 1914:

TABLE 2. RELATION OF CONCENTRATION OF POPULATION TO THE DISTRIBUTION OF CHILD LABOR CERTIFICATES

	Distribution of population (Census 1910) (Per cent)	Distribution of child labor certificates issued in 1914 (Per cent)
New York City.....	52.3	75.5
Buffalo } Rochester }.....	9.6	12.6
Albany Schenectady Syracuse } Troy Utica Yonkers }.....	3.3	2.4
Third class cities.....	9.0	5.5
Remainder of State.....	25.8	4.0
Total for State.....	100.0	100.0

The most important relations in the above table are: (1.) New York City, having but little over one-half of the population of the state, issued over three-fourths of all child labor certificates granted in 1914, and (2.) that part of the state outside of the cities, having over one-fourth of the population of the state,

issued only one-twenty-fifth of the child labor certificates granted in 1914.

Table 3 shows the percentage distribution of child labor certificates issued in 1914 by nativity of father and locality. (For more detailed figures see Table C appended.)

TABLE 3. PERCENTAGE DISTRIBUTION OF CHILDREN TO WHOM CERTIFICATES WERE ISSUED IN 1914 BY NATIVITY OF FATHER AND LOCALITY

LOCALITY	COUNTRY OF BIRTH OF FATHER								
	United States	Russia	Germany	Italy	Austria	Ireland	England	All others	Total*
<i>Number</i>									
Albany.....	180	38	44	12	3	13	7	16	313
Buffalo.....	1,191	81	885	157	40	84	69	470	2,977
New York.....	8,144	5,945	4,164	4,483	3,242	2,748	710	2,615	32,051
Manhattan Borough.....	2,613	3,490	1,366	2,415	2,316	1,515	257	1,091	15,063
Brooklyn Borough.....	3,434	1,904	1,382	1,468	526	852	292	1,036	10,894
Bronx Borough.....	956	482	553	350	286	251	80	288	3,243
Queens Borough.....	955	61	777	198	104	108	63	163	2,429
Richmond Borough.....	186	8	86	52	10	22	18	40	422
Rochester.....	573	36	329	106	7	37	61	226	1,375
Schenectady.....	80	11	29	21	14	9	8	28	200
Syracuse.....	289	31	171	40	7	59	18	50	665
Troy.....	90	8	25	6	1	24	4	14	172
Utica.....	161	28	67	100	6	12	14	48	436
Yonkers.....	72	16	8	9	23	25	3	33	189
Remainder of State.....	2,147	85	401	341	121	158	141	492	3,886
Total.....	12,927	6,279	6,123	5,275	3,464	3,169	1,035	3,992	42,264
<i>Percentages</i>									
Albany.....	57.5	12.1	14.1	3.8	1.0	4.2	2.2	5.1	100.0
Buffalo.....	40.0	2.7	29.7	5.3	1.4	2.8	2.3	15.8	100.0
New York.....	25.4	18.5	13.0	14.0	10.1	8.6	2.2	8.2	100.0
Manhattan Borough.....	17.3	23.2	9.1	16.0	15.4	10.1	1.7	7.2	100.0
Brooklyn Borough.....	31.5	17.5	12.7	13.5	4.8	7.8	2.7	9.5	100.0
Bronx Borough.....	29.5	14.9	17.0	10.8	8.8	7.7	2.5	8.8	100.0
Queens Borough.....	39.3	2.5	32.0	8.2	4.3	4.4	2.6	6.7	100.0
Richmond Borough.....	44.1	1.9	20.4	12.3	2.4	5.2	4.2	9.5	100.0
Rochester.....	41.7	2.6	23.9	7.7	0.5	2.7	4.4	16.5	100.0
Schenectady.....	40.0	5.5	14.5	10.5	7.0	4.5	4.0	14.0	100.0
Syracuse.....	43.5	4.7	25.7	6.0	1.0	8.9	2.7	7.5	100.0
Troy.....	52.3	4.7	14.5	3.5	0.6	14.0	2.3	8.1	100.0
Utica.....	36.9	6.4	15.4	22.9	1.4	2.8	3.2	11.0	100.0
Yonkers.....	38.1	8.5	4.2	4.8	12.2	13.2	1.6	17.4	100.0
Remainder of State.....	55.2	2.2	10.3	8.8	3.1	4.1	3.6	12.7	100.0
Total.....	30.6	14.9	14.5	12.5	8.2	7.5	2.4	9.4	100.0

In the state as a whole the fathers of 30.6 per cent of all children to whom certificates were granted were born in the United States; 14.9 per cent in Russia; 14.5 per cent in Germany; 12.5 per cent in Italy; 8.2 per cent in Austria; 7.5 per cent in

\* These totals do not agree with the totals in Table 1, since the children whose applications for certificates did not state the nativity of the father are included in Table 1, but are omitted here.

Ireland; 2.4 per cent in England, and 9.4 per cent in all other countries.

Of the children whose fathers were born in the United States, Albany had the largest proportion with 57.5 per cent; followed by small cities and villages (Remainder of State\*), with 55.2 per cent; Troy, with 52.3 per cent; Syracuse, with 43.5 per cent; Rochester, with 41.7 per cent, and Buffalo and Schenectady with 40.0 per cent each. New York City had the smallest proportion, with only 25.4 per cent; within New York City, Manhattan Borough had the lowest proportion with 17.3 per cent.

The largest proportion of children with fathers born in Russia is recorded for New York City with 18.5 per cent; Manhattan Borough having 23.2 per cent. Albany is second with 12.1 per cent and Yonkers third with 8.5 per cent. The remainder of the State is lowest with 2.2 per cent, followed by Buffalo with 2.7 per cent. The low figure of 2.6 per cent for Rochester is misleading since it does not include Russian Jews.

Buffalo had the largest proportion of children with fathers born in Germany, with 29.7 per cent, followed by Syracuse with 25.7 per cent, and Rochester with 23.9 per cent. The lowest proportion was recorded for Yonkers with 4.2 per cent, followed by Remainder of State with 10.3 per cent, and New York City with 13.0 per cent — Manhattan Borough having only 9.1 per cent, while Queens had 32.0 per cent.

Utica leads in the proportion of children whose fathers were born in Italy with 22.9 per cent, followed by New York City with 14.0 per cent — Manhattan Borough having 16.0 per cent — and Schenectady with 10.5 per cent. Troy has the lowest proportion with 3.5 per cent, followed by Albany with 3.8 per cent.

Yonkers had the highest proportion of children whose fathers were born in Austria with 12.2 per cent, followed by New York with 10.1 per cent — Manhattan Borough having 15.4 per cent — and Schenectady with 7.0 per cent. Rochester had the lowest proportion with 0.5 per cent, followed by Troy with 0.6 per cent, and Syracuse with 1.0 per cent.

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\* Wherever this term is used in this text it means that part of the state outside of the first and second class cities. For distribution of certificates issued in third class cities, see Table C of the Appendix.

Ireland recorded the highest proportion in Troy with 14.0 per cent, followed by Yonkers with 13.2 per cent; Syracuse with 8.9 per cent, and New York with 8.6 per cent. The lowest proportion was in Rochester with 2.7 per cent, and Buffalo and Utica had 2.8 per cent each.

The proportions of children whose fathers were born in England were most evenly distributed, no city showing either high or low percentages.

The high percentages recorded under "All others" require explanation. In most cases one or more countries, not listed separately in the table, are high in one city but not high in other cities. For example, of the 15.8 per cent recorded under "All others" for Buffalo, 9.2 per cent were children whose fathers were born in Poland and 4.0 per cent in Canada. Of the 16.5 per cent recorded for Rochester, 4.3 per cent were children whose fathers were born in Canada, 4.2 per cent were recorded as Jews, and 2.3 per cent were children whose fathers were born in Holland. The 14.0 per cent recorded under "All others" for Schenectady were distributed among a dozen or more countries. Of the 17.4 per cent recorded for Yonkers 8.5 per cent were children whose fathers were born in Hungary and 4.2 per cent in Scotland.

Although 75.8 per cent of all certificates recorded in the above table were issued in New York City the percentages for each country vary considerably from the total and from each other. They are as follows: United States, 63.0 per cent; "All others," 65.5 per cent; Germany, 68.0 per cent; England, 68.6 per cent; Italy, 85.0 per cent; Ireland, 86.7 per cent; Austria, 93.6 per cent, and Russia, 94.7 per cent.

Table 4 shows the percentage distribution of children in New York City to whom certificates were issued in 1914, by nativity of father, age and sex.

TABLE 4. PERCENTAGE DISTRIBUTION OF CHILDREN IN NEW YORK CITY TO  
AND

NATIVITY OF FATHER	14 to 14½ years		
	Male	Female	Total
United States.....	1,948	1,022	2,970
Russia.....	1,221	770	1,991
Italy.....	971	1,103	2,074
Germany.....	1,032	824	1,856
Austria.....	750	579	1,329
Ireland.....	659	287	946
England.....	148	79	227
Norway-Sweden.....	147	97	244
Roumania.....	99	50	149
Hungary.....	92	62	154
All other*.....	298	171	469
Total.....	7,365	5,044	12,409
United States.....	24.0	12.5	36.5
Russia.....	20.5	13.0	33.5
Italy.....	21.6	24.6	46.2
Germany.....	24.8	19.8	44.6
Austria.....	23.1	17.9	41.0
Ireland.....	24.0	10.4	34.4
England.....	20.8	11.1	31.9
Norway-Sweden.....	20.8	13.8	34.6
Roumania.....	24.4	12.4	36.8
Hungary.....	24.3	16.4	40.7
All other.....	24.6	14.1	38.7
Total.....	22.9	15.7	38.6

\* This includes: Scotland 280, Canada 136, France 134, Switzerland 118, Denmark 100, Poland 54, Holland 48, Finland 48, West Indies 48, Turkey 32, Spain 30, Belgium 19, Wales 15, Cuba 14, Greece 11, Australia 11, South America 9, Syria 8, Mexico 3, Portugal 3, Egypt 3, Japan 2, China 2, indefinite 17, nativity of father not stated 86.

WHOM CERTIFICATES WERE ISSUED IN 1914: BY NATIVITY OF FATHER, AGE  
SEX

AGES			14½ to 15 years			15 to 16 years			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
<i>bers</i>											
1,313	788	2,101	1,755	1,318	3,073	5,016	3,128	8,144			
987	637	1,674	1,227	1,053	2,280	3,435	2,510	5,945			
595	547	1,142	748	519	1,267	2,314	2,169	4,483			
614	439	1,053	691	564	1,255	2,337	1,827	4,164			
485	361	846	577	490	1,067	1,812	1,430	3,242			
473	253	726	571	505	1,076	1,703	1,045	2,748			
117	88	205	158	120	278	423	287	710			
109	78	187	146	128	274	402	303	705			
74	48	122	80	54	134	253	152	405			
62	46	108	64	52	116	218	160	378			
194	109	303	278	163	441	770	443	1,213			
5,023	3,444	8,467	6,295	4,966	11,261	18,683	13,454	32,137			
<i>ages</i>											
16.1	9.7	25.8	21.5	16.2	37.7	61.6	38.4	100.0			
16.6	11.6	28.2	20.6	17.7	38.3	57.7	42.3	100.0			
13.3	12.2	25.5	16.7	11.6	28.3	51.6	48.4	100.0			
14.7	10.6	25.3	16.6	13.5	30.1	56.1	43.9	100.0			
15.0	11.1	26.1	17.8	15.1	32.9	55.9	44.1	100.0			
17.2	9.2	26.4	20.8	18.4	39.2	62.0	38.0	100.0			
16.5	12.4	28.9	22.3	16.9	39.2	59.6	40.4	100.0			
15.5	11.0	26.5	20.7	18.2	38.9	57.0	43.0	100.0			
18.3	11.8	30.1	19.8	13.3	33.1	62.5	37.5	100.0			
16.4	12.2	28.6	16.9	13.8	30.7	57.6	42.4	100.0			
16.0	9.0	25.0	22.9	13.4	36.3	63.5	36.5	100.0			
15.6	10.7	26.3	19.6	15.5	35.1	58.1	41.9	100.0			

As shown in the table, 38.6 per cent of the children in New York City to whom certificates were granted in 1914 were between 14 and 14½ years of age; 26.3 per cent were between 14½ and 15 years of age, and 35.1 per cent were between 15 and 16 years of age. It should be noted, however, that the issuing of 65 per cent of all certificates to children from 14 to 15 years of age as contrasted with only 35 per cent issued to children from 15 to 16 years of age does not mean that more children at work in 1914 belonged to the younger age group. Since all certificates issued are good until the children reach the age of 16 years, probably the majority of those at work in 1914 and falling within the age group of 15 to 16 years received their certificates during the preceding year.

Considering the distribution of children within the age groups by nativity of father, it will be seen that those whose fathers were born in Italy go to work earliest, followed by Germany, Austria and Hungary, in the order named. Those whose fathers were born in England and Ireland go to work latest, followed by Norway-Sweden, Russia and the United States in the order named.

The sex distribution by nativity of father shows that girls whose fathers were born in Italy go to work earlier than boys whose fathers were born in Italy and that in the total of all age groups the girls number nearly as many as the boys. Ireland presents the sharpest contrast to Italy in this respect, sending its girls to work later than its boys and in the total numbering 63 per cent more boys than girls. Austria, Germany and Norway-Sweden are nearest to Italy in this respect in the order named; while the United States, England and Roumania are nearest to Ireland.

Table 7 presents for the total of first and second class cities, outside of New York City, the same information that Table 6 presents for New York City.

TABLE 7. PERCENTAGE DISTRIBUTION OF CHILDREN IN UP-STATE CITIES TO NATIVITY

NATIVITY OF FATHER	14 to 14½ years		
	Male	Female	Total
	Num		
Italy.....	125	101	226
Poland.....	82	101	183
Russia.....	75	40	115
Austria.....	35	15	50
Total.....	317	257	574
Germany.....	548	393	941
Ireland.....	75	24	99
Canada.....	53	34	87
England.....	61	28	89
Scotland.....	26	4	30
France.....	7	4	11
Total.....	770	487	1,257
United States.....	827	345	1,172
All other*.....	93	54	137
Grand total.....	1,997	1,143	3,140
Percent			
Italy.....	6.3	8.8	7.2
Poland.....	4.1	8.8	5.8
Russia.....	3.8	3.5	3.7
Austria.....	1.7	1.4	1.6
Total.....	15.9	22.5	18.3
Germany.....	27.4	34.4	30.0
Ireland.....	3.8	2.1	3.1
Canada.....	2.7	3.0	2.8
England.....	3.1	2.5	2.8
Scotland.....	1.8	.3	1.0
France.....	.3	.3	.3
Total.....	38.6	42.6	40.0
United States.....	41.4	30.2	37.3
All other.....	4.1	4.7	4.4
Grand total.....	100.0	100.0	100.0

\* This includes: Jews (reported separately for Rochester only) 58, Holland 41, Hungary 36, Wales 32, Switzerland 29, Sweden 24, Denmark 15, Roumania 7, Norway 6, Belgium 4, Lithuania 3, Finland 3, Turkey 2, Portugal 1, Armenia 1, Syria 1, South America 1, indefinite 4, nativity of father not stated 29.

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WHOM CERTIFICATES WERE ISSUED IN 1914: BY AGE AND SEX, AND BY  
OF FATHER

AGES						Total		
14½ to 15 years			15 to 16 years			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
<i>bers</i>								
75	45	120	64	41	105	264	187	451
44	47	91	32	19	51	158	167	325
43	27	70	36	28	64	154	95	249
10	6	16	22	13	35	67	34	101
172	125	297	154	101	255	643	483	1,126
203	130	333	162	122	284	913	645	1,558
45	19	64	72	28	100	192	71	263
38	14	52	44	26	70	135	74	209
29	10	39	32	24	56	122	62	184
6	8	14	13	7	20	45	19	64
2	1	3	3	2	5	12	7	19
323	182	505	326	209	535	1,419	878	2,297
460	223	683	494	287	781	1,781	855	2,636
42	23	65	56	39	95	181	116	297
997	553	1,550	1,030	636	1,666	4,024	2,332	6,356
<i>ages</i>								
7.5	8.1	7.7	6.2	6.5	6.3	6.6	8.0	7.1
4.4	8.5	5.9	8.1	3.0	3.1	3.9	7.2	5.1
4.3	4.9	4.5	3.5	4.4	3.8	3.8	4.1	3.9
1.0	1.1	1.0	2.1	2.0	2.1	1.7	1.4	1.6
17.2	22.6	19.1	14.9	15.9	15.3	16.0	20.7	17.7
20.4	23.5	21.5	15.7	19.2	17.0	22.7	27.7	24.5
4.5	3.4	4.1	7.0	4.4	6.0	4.8	3.0	4.1
3.8	2.5	3.4	4.3	4.1	4.2	3.3	3.2	3.3
2.9	1.8	2.5	3.1	3.8	3.4	3.0	2.6	2.9
.6	1.5	.9	1.3	1.1	1.2	1.1	.8	1.0
.2	.2	.2	.3	.3	.3	.3	.3	.3
32.4	32.9	32.6	31.7	32.9	32.1	35.2	37.6	36.1
46.2	40.3	44.1	48.0	45.1	46.9	44.3	36.7	41.5
4.2	4.2	4.2	5.4	6.1	5.7	4.5	5.0	4.7
100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

In the up-state cities the new immigration, including Italy, Poland, Russia and Austria, furnished 17.7 per cent of the children to whom certificates were granted in 1914; the old immigration, including Germany, Ireland, Canada, England, Scotland and France, furnished 36.1 per cent; the United States furnished 41.5 per cent, and all others furnished 4.7 per cent.

A comparison of Table 7 with Table 6 shows that New York City issued a much larger proportion of certificates to the children of the new immigration than did the up-state cities and that conversely, the up-state cities issued a larger proportion of certificates to children of the old immigration and to those whose fathers were born in the United States.

In the up-state cities Italy leads in the group designated as the new immigration, followed by Poland, Russia and Austria in the order named. In the old immigration group, Germany furnished over two-thirds of all children to whom certificates were issued. France had less than 1.0 per cent, while Scotland, England, Canada and Ireland had small percentages each.

The sex distribution in the up-state cities shows that both the new immigration group and the old immigration group furnished a greater proportion of girls than of boys. This is true especially of Poland, Italy and Russia in the new immigration group and of Germany in the old immigration group. The United States furnished a greater proportion of boys than of girls.

TABLE A—CHILD LABOR CERTIFICATES REPORTED ISSUED IN YEAR ENDED  
SEPTEMBER 30, 1915

LOCALITY	Certifi-cates issued	LOCALITY	Certifi-cates issued
Albany County.....	410	Chenango County.....	31
Albany.....	247	Bainbridge.....	2
Cohoes.....	92	New Berlin.....	2
Green Island.....	13	Norwich.....	7
Watervliet.....	55	Oxford.....	7
Remainder.....	3	Sherburne.....	10
		Remainder.....	3
Allegany County.....	12	Clinton County.....	6
Andover.....	4	Champlain.....	1
Belmont.....	2	Keeseville.....	1
Friendship.....	1	Plattsburg.....	4
Wellsville.....	5		
Bronx County (See under New York City)		Columbia County.....	57
Broome County.....	131	Hudson.....	17
Binghamton.....	113	Kinderhook.....	4
Deposit.....	1	Philmont.....	15
Endicott.....	6	Valatie.....	7
Lestershire.....	1	Remainder.....	14
Union.....	10		
Cattaraugus County.....	57	Cortland County.....	82
Franklinville.....	2	Cortland.....	37
Gowanda.....	4	Homer.....	40
Olean.....	46	McGraw.....	4
Remainder.....	5	Marathon.....	1
Cayuga County.....	94	Delaware County.....	8
Auburn.....	91	Delhi.....	1
Port Byron.....	1	Sidney.....	1
Remainder.....	2	Walton.....	5
Chautauqua County.....	250	Remainder.....	1
Brocton.....	1		
Dunkirk.....	65	Dutchess County.....	127
Falconer.....	9	Beacon.....	42
Forestville.....	6	Millerton.....	1
Fredonia.....	18	Poughkeepsie.....	56
Jamestown.....	131	Red Hook.....	1
Silver Creek.....	16	Rhinebeck.....	1
Remainder.....	4	Tivoli.....	1
Chemung County.....	61	Wappingers Falls.....	6
Elmira.....	50	Remainder.....	19
Elmira Heights.....	3		
Horseheads.....	2	Erie County.....	3,106
Remainder.....	6	Akron.....	7

TABLE A—CHILD LABOR CERTIFICATES—(Continued)

LOCALITY	Certifi-cates issued	LOCALITY	Certifi-cates issued
Essex County.....	15	Lewis County.....	6
Lake Placid.....	4	Lowville.....	4
Ticonderoga.....	11	Remainder.....	2
Franklin County.....	23	Livingston County.....	16
Malone.....	2	Avon.....	10
Saranac Lake.....	5	Genesee.....	1
Tupper Lake.....	4	Mount Morris.....	3
Remainder.....	12	Nunda.....	1
Fulton County.....	102	Remainder.....	1
Dolgeville (See Herkimer).....		Madison County.....	95
Gloversville.....	94	Canastota.....	7
Mayfield.....	2	Cazenovia.....	2
Northville.....	3	Hamilton.....	6
Remainder.....	3	Oneida.....	80
Genesee County.....	39	Monroe County.....	1,654
Batavia.....	25	Brockport.....	6
Le Roy.....	12	East Rochester.....	5
Oakfield.....	2	Fairport.....	12
Greene County.....	39	Pittsford.....	3
Athens.....	1	Rochester.....	1,575
Catskill.....	31	Spencerport.....	2
Coxsackie.....	5	Webster.....	10
Remainder.....	2	Remainder.....	41
Herkimer County.....	110	Montgomery County.....	254
Dolgeville.....	22	Amsterdam.....	198
Frankfort.....	14	Canajoharie.....	6
Herkimer.....	31	Fort Johnson.....	1
Ilion.....	4	Fort Plain.....	12
Little Falls.....	34	Fonda.....	3
Middleville.....	3	Hagaman.....	6
Remainder.....	2	Nelliston.....	1
Jefferson County.....	37	St. Johnsville.....	24
Alexandria Bay.....	4	Remainder.....	3
Carthage.....	2	Nassau County.....	57
Dexter.....	1	Farmingdale.....	1
Theresa.....	2	Floral Park.....	4
Watertown.....	26	Freeport.....	6
West Carthage.....	1	Hempstead.....	15
Remainder.....	1	Mineola.....	5
Kings County (See Brooklyn under New York City)		Rockville Center.....	2
		Sea Cliff.....	1
		Remainder.....	23

TABLE A—CHILD LABOR CERTIFICATES—(Continued)

LOCALITY	Certifi-cates issued	LOCALITY	Certifi-cates issued
New York City.....	36,060	Orleans County.....	94
Bronx.....	3,688	Albion.....	34
Brooklyn.....	12,402	Holley.....	16
Manhattan.....	16,812	Medina.....	25
Queens.....	2,666	Remainder.....	19
Richmond.....	497		
Niagara County.....	146	Oswego County.....	147
Barker.....	1	Fulton.....	30
La Salle.....	2	Mexico.....	1
Lockport.....	34	Oswego.....	95
Middleport.....	15	Phoenix.....	5
Niagara Falls.....	41	Pulaski.....	5
North Tonawanda.....	51	Remainder.....	11
Remainder.....	2		
Oneida County.....	624	Otsego County.....	16
Boonville.....	3	Oneonta.....	7
Camden.....	13	Richfield Springs.....	8
Clayville.....	12	Remainder.....	1
Clinton.....	20		
New Hartford.....	23	Putnam County.....	8
Rome.....	95	Brewster.....	4
Sangerfield.....	2	Cold Spring.....	4
Utica.....	397		
Vernon.....	2	Queens County (See under New York City)	
Whitesboro.....	20	Rensselaer County.....	216
Yorkville.....	5	Castleton.....	6
Remainder.....	32	Hoosick Falls.....	12
		Nassau.....	1
Onondaga County.....	669	Rensselaer.....	18
East Syracuse.....	6	Troy.....	173
Liverpool.....	1	Valley Falls.....	3
Manlius.....	3	Remainder.....	3
Marcellus.....	12		
Skaneateles.....	6		
Solvay.....	15		
Syracuse.....	613		
Remainder.....	13		
Ontario County.....	33	Richmond County (See under New York City)	
Canandaigua.....	9	Rockland County.....	54
Clifton Springs.....	5	Haverstraw.....	11
Geneva.....	13	Hillburn.....	2
Naples.....	1	Nyack.....	4
Phelps.....	2	Spring Valley.....	10
Shortsville.....	2	Suffern.....	10
Remainder.....	1	West Haverstraw.....	8
		Remainder.....	9
Orange County.....	98		
Cornwall.....	2		
Highland Falls.....	1		
Middletown.....	28		
Montgomery.....	2		
Newburgh.....	30		
Port Jervis.....	12		
Walden.....	6		
Warwick.....	8		
Remainder.....	9		

TABLE A—CHILD LABOR CERTIFICATES—(Continued)

LOCALITY	Certifi- cates issued	LOCALITY	Certifi- cates issued
Saratoga County.....	39	Sullivan County.....	1
Ballston Spa.....	3	Tioga County.....	17
Corinth.....	3	Owego.....	10
Mechanicville.....	7	Waverly.....	6
Saratoga Springs.....	5	Remainder.....	1
Schuylerville.....	2	Tompkins County.....	22
South Glens Falls.....	1	Groton.....	3
Stillwater.....	2	Ithaca.....	11
Waterford.....	14	Trumansburg.....	4
Remainder.....	2	Remainder.....	4
Schenectady County.....	245	Ulster County.....	138
Schenectady.....	221	Ellenville.....	5
Scottia.....	16	Kingston.....	116
Remainder.....	8	Marlboro.....	1
Schoharie County.....	4	Rifton.....	3
Esperance.....	2	Rosendale.....	2
Richmondville.....	2	Saugerties.....	2
Schuyler County.....	8	Remainder.....	9
Montour Falls.....	1	Warren County.....	33
Watkins.....	3	Glens Falls.....	29
Remainder.....	4	Remainder.....	4
Seneca County.....	36	Washington County.....	36
Seneca Falls.....	11	Cambridge.....	1
Waterloo.....	25	Fort Ann.....	1
Steuben County.....	65	Fort Edward.....	5
Avoca.....	1	Granville.....	10
Bath.....	2	Greenwich.....	7
Canisteo.....	2	Hudson Falls.....	2
Corning.....	9	Whitehall.....	10
Hammondport.....	6	Wayne County.....	68
Hornell.....	32	Clyde.....	3
Wayland.....	8	Lyons.....	9
Remainder.....	5	Newark.....	13
Suffolk County.....	83	Palmyra.....	4
Amityville.....	3	Wolcott.....	1
Babylon.....	4	Remainder.....	38
Greenport.....	15		
Northport.....	2		
Patchogue.....	18		
Sag Harbor.....	14		
Remainder.....	27		

TABLE A—CHILD LABOR CERTIFICATES—(*Concluded*)

LOCALITY	Certifi- cates issued	LOCALITY	Certifi- cates issued
Westchester County.....	464	Wyoming County.....	26
Bronxville.....	2	Attica.....	4
Croton-on-Hudson.....	1	Castile.....	1
Dobbs Ferry.....	1	Perry.....	12
Hastings-on-Hudson.....	1	Silver Springs.....	3
Mamaroneck.....	1	Warsaw.....	5
Mount Kisco.....	6	Remainder.....	1
Mount Vernon.....	106		
New Rochelle.....	52		
North Pelham.....	2		
North Tarrytown.....	2		
Ossining.....	6		
Peekskill.....	17		
Port Chester.....	19		
Rye.....	3	Dundee.....	1
Tarrytown.....	4	Penn Yan.....	1
Tuckahoe.....	10	Remainder.....	1
White Plains.....	29		
Yonkers.....	190	Total state.....	46,375
Remainder.....	12		

TABLE B. DISTRIBUTION OF CHILDREN TO WHOM CERTIFICATES WERE ISSUED  
MENT OF LABOR: BY

CITY	TOTAL CERTIFICATES ISSUED			NUMBER OF		
	Male	Female	Total	14 to 14½ years		
				Male	Female	Total
Albany.....	201	118	319	87	42	129
Amsterdam.....	36	41	77	20	23	43
Auburn.....	67	41	108	29	15	44
Beacon.....	23	20	43	6	8	14
Binghamton.....	84	60	144	28	25	53
Buffalo.....	1,908	1,076	2,984	986	556	1,542
Canandaigua.....	10	6	16	2	.....	2
Cohoes.....	48	33	81	17	14	31
Corning.....	9	13	22	3	2	5
Cortland.....	12	5	17	3	1	4
Dunkirk.....	34	56	90	13	18	31
Elmira.....	43	29	72	11	6	17
Fulton.....	46	22	68	23	9	32
Geneva.....	1	9	10	1	2	3
Glen Falls.....	3	7	10	2	3	5
Gloversville.....	47	53	100	20	18	38
Hornell.....	28	31	59	12	7	19
Hudson.....	6	.....	6	6	.....	6
Ithaca.....	9	7	16	3	4	7
Jamesstown.....	91	56	147	41	20	61
Kingston.....	49	69	118	25	35	60
Lackawanna.....	34	4	38	9	.....	9
Little Falls.....	20	13	33	11	7	18
Lockport.....	23	25	48	9	7	16
Middletown.....	7	12	19	3	2	5
Mount Vernon.....	70	34	104	25	10	35
Newburgh.....	26	18	43	3	2	5
New Rochelle.....	14	9	23	8	4	12
New York City.....	18,683	13,454	32,137	7,365	5,044	12,409
Manhattan.....	8,537	6,557	15,094	5,378	3,546	5,924
Brooklyn.....	6,515	4,420	10,935	3,579	1,583	4,162
Bronx.....	1,975	1,269	3,244	776	418	1,188
Queens.....	1,418	1,084	3,442	561	458	1,019
Richmond.....	238	184	422	71	45	116
Niagara Falls.....	74	43	117	34	19	53
North Tonawanda.....	17	17	34	4	5	9
Olean.....	23	14	37	6	1	7
Oneida.....	27	32	59	12	15	27
Oneonta.....	6	5	11	1	.....	1
Oswego.....	57	83	140	22	43	65
Plattsburg.....	4	1	5	.....	1	1
Port Jervis.....	15	16	31	3	2	5
Poughkeepsie.....	60	45	105	23	28	51
Rensselaer.....	15	15	30	1	5	6
Rochester.....	809	569	1,378	447	295	742
Rome.....	55	44	99	22	17	39
Salamanca.....	16	12	28	8	4	12
Schenectady.....	153	47	200	56	14	70
Syracuse.....	448	224	672	205	114	319
Tonawanda.....	32	18	50	18	9	27
Troy.....	98	75	173	46	22	68
Utica.....	264	176	440	138	92	230
Watertown.....	18	9	27	3	1	4
Watervliet.....	32	22	54	6	9	15
Yonkers.....	143	47	190	32	8	40
Remainder of State.....	1,039	676	1,715	337	210	547
Total.....	25,036	17,511	42,547	10,195	6,798	16,993

REPORT OF THE INDUSTRIAL COMMISSION, 1915 251

FROM OCTOBER 1, 1913, TO SEPTEMBER 30, 1914, AS REPORTED TO THE DEPARTMENT, SEX AND LOCALITY

CERTIFICATES ISSUED TO CHILDREN OF AGE OF —						WITH FATHER BORN IN —		
14½ to 15 years			15 to 16 years			United States	Other countries	Country not stated
Male	Female	Total	Male	Female	Total			
55	34	89	59	42	101	180	133	6
9	5	14	7	13	20	28	47	2
13	8	21	25	18	43	58	49	1
7	4	11	10	8	18	26	9	8
23	19	42	33	16	49	54	49	41
510	258	768	412	262	674	1,191	1,786	7
2	2	4	6	4	10	13	3	.....
12	9	21	19	10	29	36	44	1
.....	2	2	6	9	15	11	11	.....
3	2	5	6	2	8	11	5	1
12	12	24	9	26	35	20	70	.....
17	10	27	15	13	28	40	24	8
7	3	10	16	10	26	43	25	.....
.....	3	8	4	4	4	6	4	.....
15	11	26	12	24	36	54	46	.....
6	5	11	10	19	29	48	9	2
.....	.....	.....	.....	.....	.....	2	4	.....
1	2	3	5	1	6	11	4	1
19	12	31	31	24	55	31	114	2
12	18	30	12	16	28	76	40	2
10	.....	10	15	4	19	7	30	1
4	2	6	5	4	9	17	16	.....
8	6	14	6	12	18	26	20	2
1	5	6	3	5	8	13	6	.....
23	10	33	22	14	36	44	60	.....
4	4	8	18	12	30	27	16	.....
3	2	5	3	3	6	4	19	.....
5,023	3,444	8,467	6,295	4,966	11,261	8,144	23,907	86
2,336	1,669	3,995	2,883	2,562	5,176	2,613	12,450	31
1,711	1,148	2,859	2,885	1,889	3,914	3,434	7,480	41
548	340	888	657	517	1,174	966	2,287	1
379	944	683	478	382	800	966	1,474	13
55	53	108	112	86	198	186	836	.....
21	16	37	19	8	27	40	75	2
3	3	6	10	9	19	15	18	1
6	3	9	11	10	21	20	15	2
11	9	20	4	8	12	37	22	.....
13	2	2	5	3	8	10	1	.....
.....	23	36	22	17	39	99	41	.....
6	1	7	4	4	5	5	4	.....
13	6	19	24	11	35	41	40	24
6	2	8	8	8	16	20	9	1
154	133	287	208	141	349	573	802	3
21	16	37	12	11	23	70	29	.....
3	3	6	5	5	10	16	11	1
46	8	54	51	25	76	80	120	.....
96	47	143	147	63	210	289	376	7
5	3	8	9	6	15	18	31	1
32	20	52	20	33	53	90	82	1
67	44	111	59	40	99	161	275	4
5	4	9	10	4	14	13	10	4
11	2	13	15	11	26	25	29	.....
37	9	46	74	30	104	72	117	1
284	186	470	418	280	698	981	674	60
6,639	4,434	11,073	8,202	6,279	14,481	12,927	29,337	283

TABLE C. DISTRIBUTION OF CHILDREN TO WHOM CERTIFICATES WERE ISSUED  
MENT OF LABOR: BY NATIVITY

CITY	NUMBER OF CERTIFICATES ISSUED								
	United States	Austria	Canada	Denmark	England	Fin-land	France	Germany	Greece
Albany.....	180	3	5	..	7	1	..	44	..
Amsterdam.....	28	4	2	2	6	..	..	9	..
Auburn.....	58	7	3	..	3	..	..	7	..
Beacon.....	26	1	..	..	1	..	..	..	..
Binghamton.....	54	11	2	..	2	..	..	5	..
Buffalo.....	1,191	40	119	2	69	..	7	885	..
Canandaigua.....	13	..	..	..	7	..	..	1	..
Cohoes.....	36	2	23	..	..	..	1	..	..
Corning.....	11	1	..	..	1	..	..	1	..
Cortland.....	11	..	..	..	1	..	..	..	..
Dunkirk.....	20	1	2	1	..	..	..	24	..
Elmira.....	40	1	..	..	..	..	..	8	..
Fulton.....	43	4	7	..	4	..	..	1	..
Geneva.....	4	..	..	..	..	..	..	..	..
Glens Falls.....	6	..	..	1	..	..	..	..	..
Gloverville.....	54	2	3	1	..	..	1	9	..
Hornell.....	48	..	1	1	1	..	..	5	..
Hudson.....	2	1	..	..	..	..	..	..	..
Ithaca.....	11	1	..	..	..	..	..	..	..
Jamesstown.....	31	1	1	3	11	..	..	2	..
Kingston.....	76	9	..	..	2	..	..	18	..
Leckawanna.....	7	15	..	..	1	..	..	5	..
Little Falls.....	17	3	..	1	2	..	..	3	..
Lockport.....	26	1	4	..	2	..	..	8	..
Middletown.....	13	..	..	1	..	..	..	2	..
Mount Vernon.....	44	..	2	..	2	..	1	13	..
Newburgh.....	27	..	..	..	3	..	..	4	..
New Rochelle.....	4	..	..	..	..	..	1	3	..
New York.....	8,144	3,242	136	100	710	48	134	4,164	11
Manhattan.....	2,619	2,316	50	26	24	79	1,386	..	..
Brooklyn.....	3,434	526	65	50	292	15	26	1,388	2
Bronx.....	966	286	10	15	80	7	16	553	..
Queens.....	965	104	8	8	63	2	19	777	..
Richmond.....	186	10	5	1	18	..	1	86	..
Niagara Falls.....	40	3	17	..	11	..	1	14	..
North Tonawanda.....	15	1	..	..	..	..	..	15	..
Olean.....	20	4	..	..	..	..	2	11	..
Oneida.....	37	..	..	..	1	..	..	..	..
Oneonta.....	10	..	..	..	..	..	..	9	..
Oswego.....	99	1	7	..	3	..	..	..	..
Plattsburg.....	5	..	..	..	..	..	..	..	..
Port Jervis.....	27	..	..	..	..	..	..	3	..
Poughkeepsie.....	41	2	..	..	1	..	..	11	..
Rensselaer.....	20	1	1	..	1	..	..	1	..
Rochester.....	573	7	59	1	61	2	8	329	..
Rome.....	70	1	1	..	..	..	..	7	..
Salamanca.....	16	..	..	..	..	..	..	6	..
Schenectady.....	80	14	2	2	8	..	1	29	..
Syracuse.....	289	7	15	2	18	..	..	171	..
Tonawanda.....	18	1	5	..	1	..	..	21	..
Troy.....	90	1	6	4	4	..	..	25	..
Utica.....	161	6	3	2	14	..	1	67	..
Watertown.....	13	..	6	..	3	..	..	..	..
Watervliet.....	25	1	1	..	5	..	1	2	..
Yonkers.....	72	23	..	2	3	..	1	8	..
Remainder of State.....	981	41	55	5	58	..	2	164	..
Total.....	12,927	3,464	488	130	1,035	51	163	6,123	11

\* Includes 58 certificates on which the country of birth of child's father was reported as Jewish.

FROM OCTOBER 1, 1913, TO SEPTEMBER 30, 1914, AS REPORTED TO THE DEPARTMENT OF FATHER AND LOCALITY

TO CHILDREN WHOSE FATHERS WERE BORN IN —

Holland	Hungary	Ire-land	Italy	Nor-way	Poland-land	Rou-mania	Rus-sia	Scot-land	Swe-den	Switz-erland	Wales	All other countries
3	....	13	12	....	1	2	38	2	2	1	1	....
....	12	8	8	....	1	....	2	....	....	1	1	1
....	14	13	13	1	1	....	....	....	....	....	....	....
....	2	3	2	....	....	....	....	....	....	....	....	....
....	11	11	2	....	....	....	1	1	1	1	....	2
....	4	15	84	157	2	274	1	81	27	13	4	2
....	....	3	3	....	2	....	1	....	1	....	....	....
....	1	7	....	....	....	....	....	....	....	....	....	....
....	....	5	3	....	....	....	....	....	....	....	....	....
....	1	1	10	....	27	....	2	3	....	1	....	....
....	1	3	4	....	2	....	....	....	....	2	....	1
....	2	....	3	....	2	....	....	....	....	1	....	1
....	....	2	3	....	....	....	....	....	....	....	....	....
....	....	2	8	1	....	....	....	11	1	....	....	1
....	....	1	1	....	....	....	....	1	....	....	....	....
....	1	1	2	....	....	....	....	....	....	....	....	....
....	....	1	9	2	....	....	....	1	....	....	....	....
....	....	1	1	1	....	3	....	....	....	....	....	....
....	2	3	1	....	2	....	....	1	....	....	....	....
....	2	2	2	....	1	....	....	....	....	....	....	....
....	....	1	4	....	....	....	....	....	....	....	....	....
....	....	2	1	....	....	....	....	....	....	....	....	....
....	....	2	26	2	....	....	1	6	3	1	1	....
....	1	3	....	....	....	....	3	....	1	....	....	1
....	....	1	13	....	....	....	....	....	....	....	....	....
....	48	378	2,748	4,483	303	54	405	5,945	260	402	118	15
....	20	263	1,516	2,415	32	10	262	3,490	95	94	47	6
....	12	86	852	1,468	241	13	103	1,904	115	225	31	7
....	9	45	261	350	9	2	49	482	30	54	18	3
....	7	14	108	198	8	24	1	61	19	21	21	11
....	....	22	58	15	5	....	....	8	3	8	1	5
....	1	9	14	....	1	....	....	2	1	1	....	....
....	....	2	....	....	....	....	....	....	....	....	....	....
....	....	2	....	....	....	1	....	1	....	....	....	....
....	....	8	....	....	....	....	....	....	....	....	....	....
....	....	7	9	....	....	1	....	1	....	....	1	....
....	....	....	....	....	....	....	....	....	....	....	....	2
....	1	....	1	....	....	....	....	....	....	....	....	....
....	1	7	11	....	....	3	....	4	....	....	....	....
....	32	2	37	106	2	24	....	36	12	6	10	1
....	....	3	12	....	....	5	....	....	1	....	2	2
....	1	1	9	21	....	7	2	11	4	1	2	3
....	2	59	40	1	13	2	31	7	1	5	....	1
....	2	1	....	....	....	....	....	....	....	....	....	....
....	....	24	6	....	....	1	....	8	1	....	1	1
....	....	12	100	....	....	4	....	28	3	1	5	26
....	....	1	....	....	....	....	....	....	....	....	....	....
....	....	9	7	....	....	....	....	2	1	....	....	....
....	1	16	25	9	1	1	....	16	8	1	2	....
....	34	13	43	152	1	22	....	37	11	16	4	2
125	453	3,169	5,275	317	454	413	6,279	343	534	158	51	301

TABLE C. DISTRIBUTION OF CHILDREN TO WHOM CERTIFICATES WERE ISSUED  
FROM OCTOBER 1, 1913, TO SEPTEMBER 30, 1914, AS REPORTED TO THE DE-  
PARTMENT OF LABOR: BY NATIVITY OF FATHER AND LOCALITY (Concluded.)

CITY	NUMBER OF CERTIFICATES ISSUED TO CHILDREN WHOSE FATHERS WERE BORN IN—		
	Total foreign countries	Country not stated	Grand total
Albany.....	133	6	319
Amsterdam.....	47	2	77
Auburn.....	49	1	108
Beacon.....	9	8	43
Binghamton.....	49	41	144
Buffalo.....	1,786	7	2,984
Canandaigua.....	3	.....	16
Cohoes.....	44	1	81
Corning.....	11	.....	22
Cortland.....	5	1	17
Dunkirk.....	70	.....	90
Elmira.....	24	8	72
Fulton.....	25	.....	68
Geneva.....	6	.....	10
Glens Falls.....	4	.....	10
Gloversville.....	46	.....	100
Hornell.....	9	2	59
Hudson.....	4	.....	6
Ithaca.....	4	1	16
Jamesstown.....	114	2	147
Kingston.....	40	2	118
Lackawanna.....	30	1	38
Little Falls.....	16	.....	33
Lockport.....	20	2	48
Middletown.....	6	.....	19
Mount Vernon.....	60	.....	104
Newburgh.....	16	.....	43
New Rochelle.....	19	.....	23
New York.....	23,907	86	32,137
Manhattan.....	12,450	31	16,094
Brooklyn.....	7,480	41	10,955
Bronx.....	8,887	1	3,244
Queens.....	1,474	13	2,442
Richmond.....	236	.....	122
Niagara Falls.....	75	2	117
North Tonawanda.....	18	1	34
Olean.....	15	2	37
Oneida.....	22	.....	59
Oneonta.....	1	.....	11
Oswego.....	41	.....	140
Plattsburg.....	.....	.....	5
Port Jervis.....	4	.....	31
Poughkeepsie.....	40	24	105
Rensselaer.....	9	1	30
Rochester.....	802	3	1,378
Rome.....	29	.....	99
Salamanca.....	11	1	28
Schenectady.....	120	.....	200
Syracuse.....	376	7	672
Tonawanda.....	31	1	50
Troy.....	82	1	173
Utica.....	275	4	440
Watertown.....	10	4	27
Watervliet.....	29	.....	54
Yonkers.....	117	1	190
Remainder of State.....	674	60	1,715
Total.....	29,337	283	42,547

**Part VI**  
**REPORT OF BUREAU OF EMPLOYMENT**

[255]



## (1) REPORT OF THE DIRECTOR OF BUREAU OF EMPLOYMENT

*To the Industrial Commission:*

The report of the Bureau of Employment, for the year ending September 30, 1915, is herewith respectfully submitted. In connection with the report, there are also submitted separate reports from each branch office and statistical tables showing in detail the operations of the Bureau.

The necessity for public employment offices, both in this country and abroad, is now well recognized. Already twenty-four states of the Union have state systems. Nearly every European country has them, and they have been especially successful in Great Britain and Germany. There are now several bills before Congress calling for the establishment of a Federal system, for the purpose of bringing about co-operation of the different state systems.

The law establishing the Bureau of Employment in this state was approved in April, 1914. A civil service examination was held for the office of Director and for a list of superintendents. The Director was appointed in November, 1914, and the first branch office was established in Brooklyn, on January 4, 1915. The next branch office was opened in Syracuse on January 25. The branch office in Rochester was opened February 4, and the one in Buffalo on February 8. The last branch office opened was in Albany, on April 23. The Brooklyn branch office was at first used as a sort of training school for the workers in other parts of the state. Superintendents and others were required to spend a few weeks in this office for the purpose of getting practical training.

The Bureau of Employment law requires that all employees shall be selected from civil service lists. At the time the first offices were established, the only list available for the Bureau was that of superintendents. There were no lists from which assistants to the superintendents could be selected. In this emergency,

for the time being, persons were taken from the stenographic list. After repeated requests, the State Civil Service Commission granted an examination for assistant superintendents, for men and women. Provisional appointments were made which held good up until the assistant superintendent list was certified. From this list permanent appointments were made, many of the provisional appointees being continued in their positions. The present branch offices are each in charge of a superintendent, with an office force of from three to nine, consisting of assistant superintendents, file clerks, stenographers and messengers.

The first year of any newly established bureau will necessarily be one of much trial. This was especially true of the Bureau of Employment. It was established at a time when unemployment in this country was in its most acute stage. Thousands of able-bodied and reliable employees were vainly searching for work. Mills were shut down entirely, or employing only a minimum force. Naturally, as soon as a branch office was opened it was overwhelmed by the hundreds who came to register. The corps of workers in the different offices, while well versed in the theory of public employment offices, all had to learn the business from the ground up. The record and card systems instituted for the use of the offices had to be tried out and changes made where practical experience rendered such changes necessary. The public in each city in which an office was located had to be made aware of its existence. Public misconception, and in some cases mistrust, regarding the reason for and the function of the offices, had to be overcome. Now, after nearly a year's work, the branch offices of the Bureau of Employment have each become an important factor in the industrial life of their community. Further, all the offices have a force of well-trained workers who are adequately fitted to carry on their important work.

At first the applicants for registration were mainly from the unskilled or semi-skilled class of workers. On the other hand, the offers of employment in the beginning came largely from employers who only offered poorly paying positions. Gradually this has changed. Employees of all grades came to know that they could secure employment through the Bureau, and the grade of registrations went up, until now each branch office has registrations

representing every trade and occupation, as well as many of the professions. Employers at the same time have come to learn that they can get any kind of an employee through the Bureau. In a great many instances large establishments depend on the different branch offices to furnish them with all their help, from the office force to common laborers.

This change has been brought about in several ways. In the first place, the offices have been operated as business propositions, as exchanges for the bringing together of the workers and those who have positions to offer. The vague misconception that public employment offices are in some way a charity has been dispelled by trying to deal justly by both employers and employees. Fitness for positions is the prime test in all dealings. If applicants are unemployable, because of old age, inefficiency, lack of training, or disability of any kind, it is recognized that to refer them to positions which they cannot hold is to wrong not only the employer but the worker as well. Another great help in bringing about this change has been the public press. Articles have been written for newspapers and all sorts of journals. These articles pointed out the true function of public employment offices and their possibilities. The daily newspapers of each city in which a branch office has been located have given the offices considerable space. Each superintendent has endeavored to bring his office to favorable notice through the local press, and almost without exception the newspapers have dealt fairly and favorably with the offices. Now and then mistakes in "write-ups" have occurred, but these were, as a rule, a reflection of the general misconception. The newspapers now realize that the public employment offices stand in the same relation to industry as does the public school to education, and they are giving the activities of the offices the same value as a source of news. The Director and each superintendent have frequently made addresses before various assemblies in a further endeavor to spread a knowledge of the Bureau.

The thing which has been of the greatest value to the offices is the bringing to the attention of employers the work of the Bureau through personal solicitation. The employees in all the branch offices are required to spend a part of their time in visiting the

various mills, factories and other work shops in their communities. This brings about two very valuable results—the attention of the employer is brought directly to the office and he is made to understand its worth to him. At the same time, the representative of the public employment office becomes acquainted with the kind of work carried on in his locality. This acquaintance with industry makes him better fitted to register applicants and properly to refer them. Through this direct contact with industry and the workers, there is gradually accumulating in all the different offices a mass of practical information concerning every trade and occupation. The employees in public employment offices are becoming thoroughly acquainted with the details and requirements as to the workers and the processes in all sorts of industries.

The law establishing the Bureau of Employment calls for separate departments for men, women and juveniles, with a special section in regard to the method in which juveniles shall be handled. Strict impartiality as between employer and employee is provided for, especially during the time of any labor disturbance. Each office is to have an advisory committee composed of an equal number of representatives from organized labor and representatives of employers' associations. The law also provides that the Bureau of Employment shall furnish information and statistics not only from the Bureau's own offices, but also information and statistics gathered from the private employment exchanges. A section of the law outlines a method of co-operation among the different offices established under the Bureau.

The different branch offices so far established are all, with one exception, located on the ground floor, in or near the business section of the city. The office in Syracuse is located on the second floor, with a stairway leading directly from the street to the office. Separate departments in all offices are established for men and women, with separate entrances either directly from the street or immediately after entering the building. There is a further sub-division in some of the offices between skilled and unskilled workers in the men's department and between domestics and all other workers in the women's department. Certain hours of the day are set apart for registration, and during these

hours the applicants are allowed to come, one at a time, to the different desks and are questioned as to their occupation and trade experience, and such other things as are necessary to their successful placement. Most of the orders from employers are received by telephone or mail, although some employers call directly at the office. This is especially true of farmers desiring farm help and of housekeepers desiring domestics. The different positions open are posted up on specially arranged bulletin boards and during certain of the morning hours the superintendent calls out the positions to the applicants assembled. Chairs are provided for some of the applicants in the male department and for all the applicants in the women's department. Only in rare cases are applicants referred to positions unless they have first made a personal visit to the office. The agents in the different branch offices depend often as much upon the appearance and bearing of applicants as they do upon their answers to the questions. Ability to fill the position offered is, of course, the first requirement. Rapidity with which the order is filled is also of prime importance. As a rule, an employer does not ask for a worker until he is actually needed. If a person capable of filling the position can be found upon the floor, he is at once sent out. If not, the registrations on file are examined for a likely worker. This can quickly be done as all registrations are filed under the different trades and occupations.

One of the most essential elements in any business is its system of bookkeeping and of records. The record card system of the Bureau of Employment of this state is in several particulars peculiar to itself, although it is made up from ideas taken from the different systems used throughout the United States and in Europe. The blanks and forms from all the states in the United States, as well as those from England and Germany, were procured and carefully gone over. What was thought to be the best from each was selected and brought together to form one system. After the copy for the different forms and blanks was made up, they were submitted to the filing and record card expert of one of the largest manufacturers of filing devices in the country. In addition, the criticisms of writers on the subject of unemployment were sought. The system thus installed has been modified

in a few minor points which practical experience has shown to be necessary, and it will be further modified from time to time, as the occasion demands.

Where labor troubles occur in a district covered by any branch office, the office remains, both under the law and in practice, strictly neutral. When no workers are requested for a shop, factory or work place in which there is a labor disturbance, the Bureau of Employment in no way comes in contact with the situation. An employer (or a representative of employers) or employees may file at a public employment office a signed statement with regard to the existence of a strike or lockout affecting their industry or trade. Such statement is exhibited in the employment office, but not before it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case of a reply being received to such signed statement, it is also exhibited in the employment office. When an employer affected by a statement notifies the public employment office that he desires workers the superintendent in charge of the office, or his subordinates, advises any applicants who desire to fill the positions offered of the statements that have been made. It is the practice of the offices to post the statements of both sides on the bulletin board of the office in such a way as to be easily read by all applicants.

Under section 66-f of the Bureau of Employment law, the State Industrial Commission is given the authority to appoint advisory committees for each branch office. These committees are to be made up of an equal number of representatives from employers and employees. The advisory committee appointed for the New York City branch office is made up of some of the leading labor men and leading employers of the state. There have been brought before it not only questions pertaining to the branch office in New York City, but questions affecting the different offices throughout the state, and it has, to a certain extent, acted, for the time being, as a state-wide committee. This committee has been of great service in helping to decide questions of policy for the Bureau, in aiding to give the Bureau wider publicity, and in encouraging those directly responsible for the work. The members of this committee at present are: W. D. Baldwin, President,

Otis Elevator Company; Ernest Bohm, Secretary, New York Central Federated Union; Thomas J. Carroll, President, Stereotypers' Union No. 1; Morris L. Ernst, of Greenbaum, Wolff & Ernst; Haley Fiske, Vice-President, Metropolitan Life Insurance Company; Charles Francis, President, Charles Francis Press; Mrs. E. C. Henderson; James P. Holland, President, State Federation of Labor; Walter B. Holt, General Organizer, International Longshoremen's Association; Henry C. Hunter, Secretary, National Metal Trades Association; J. J. Manning, General Organizer, United Garment Workers of America; W. H. Marshall, President, American Locomotive Company; Benjamin H. Namm, of A. I. Namm & Company; Otto Nicols, Secretary, Central Labor Union of Brooklyn, and Miss Melinda Scott, President, Women's Trade Union League. The names for the advisory committees of the other branch offices are now being selected.

Under section 66-p of the law establishing the Bureau of Employment, every employment office or agency other than those established by this Bureau, is required to keep a register of its orders for workers and of its applicants for work. This information is to be furnished to the State Industrial Commission at such times and in such form as may be required. For the purpose of carrying out this law, the Bureau of Employment secured from the mayors or commissioners of licenses of the different cities the names and addresses of the more than 800 private agencies in the state, over 600 of which are located in New York City alone. These names and addresses were furnished to the Bureau of Statistics and Information. A monthly report blank is sent out to every private agency, on which said agency is expected to fill in the information required. It was very difficult at first to make many of the private agencies understand just what was wanted. The majority of them are now sending in fairly well filled out reports.

Section 66-k of the Bureau of Employment law calls for the co-operation of the branch offices created under the Bureau, in order to facilitate the transfer of applicants for work from places of over supply to places where there is a demand. The administrative office of the Bureau is located at No. 230 Fifth avenue,

New York City, and this office acts as a clearing house and co-operative center. All the branch offices throughout the state are required to send in daily reports to the main office on a form specially prepared for that purpose. These reports are checked up and constant watch is kept to see that the different offices are filling the orders received, listing their orders correctly, registering the people properly, and in other respects keeping such check as will enable the main office to be in constant touch with the work of each branch. By this means accurate and intelligent transferral of labor from one section of the state to another is carried on. Already considerable shifting of farm hands, machinists and day laborers has been accomplished. In time it is hoped that the Bureau may become a central point of information where laborers in one seasonal industry which is about to end can learn of the opening up of other industries where their services will be required.

These daily reports also enable the Director to watch the progress of the branch offices and to assist and stimulate the superintendents in carrying on the work. In connection with this part of the administrative work, the Director visits all the branch offices every month, spending in each one the time found necessary to ascertain how the details of the work are being performed. As each one of these offices works under the same system of records, and, to a large extent, uses the same methods, their information and statistics regarding the labor market are of much greater value than if each office were working as a separate unit.

The administrative office issues, on the first of every month, a bulletin showing the work of the branch offices for the preceding month. This bulletin gives in short paragraphs some of the information about the labor market collected through the branch offices, and also gives in table form the statistics of the work done during the month. These tables show the number of registrations, the number of positions offered, the number referred to positions, and the number reported placed, by occupational groups, for the different branch offices. This bulletin is multigraphed and copies are sent out to the various newspapers in the state, and are also mailed to such persons as are vitally interested in employment office work, both in this and other states. By thus issuing

figures every month for all the branch offices, the most efficient office becomes the standard for the time being. Each superintendent knows what the other is doing, and can by this means judge what his office should do in proportion to the size of the city in which the office is located.

Every industrial center in the state should have a public employment office, and in some of the larger communities the time will come when it may be necessary to locate several branch offices in the same city. While, of course, a municipal office run by the city itself can be of considerable value to its own community, its value and efficiency is vastly increased when it has direct connection with every other office of its kind in the state, and comes under the same general supervision. The present branch offices are undoubtedly each doing good work in their own district, but the number of public employment offices is pathetically small compared to the field which they should cover. In New York City alone there are between 600 and 700 private employment agencies, and it is estimated that they collect yearly from the workers patronizing them, over \$2,000,000. In contrast to this large number of private employment agencies, the state has one branch office in the Greater City and four throughout the state. The State of Ohio now has seven offices and the present Legislature will be asked to open offices in all cities having a population of 25,000 or more.

The Conference of Mayors and Other City Officials of the State of New York appointed a special Committee on Unemployment. This committee held a hearing in Albany on November 18th, 1915. At this hearing the Director of the State Bureau of Employment was asked to give his views to the committee. It was suggested to the committee that where a city desired the establishment of a public employment office, it should make a proposition to the State Industrial Commission that in consideration of the state's establishing a branch office in the city, it would agree to furnish the "plant"—meaning thereby the rental, light, heat, telephone and janitor service. This sort of co-operation is now very successfully carried on in the cities of Milwaukee and Cleveland. It is desirable from several standpoints that each city should have a direct financial interest in the state public employ-

ment bureau established within its limits. The paying for even a small part of the office's up-keep will cause the city to feel a proprietary interest in it, which will lead to a more careful noting of the workings of the office and to its more extended use and up-building. The interests of the city could be protected through its having one or more representatives on the local advisory committee. With the city financially co-operating with the state, and with a local advisory committee to look after the proper running of the office, together with the general supervision of a state director, there should be produced an efficient system of public employment offices.

The result of this suggestion to the Committee on Unemployment has been that several cities in the state have made tentative offers of office room, etc., while others have written to ask for further information concerning the plan and just what steps should be taken to secure the advantage of it.

We are not giving figures concerning the amount of work done by the various branch offices in this part of the report. These figures are given in full in the statistical tables filed as a sub-report. One of the things to be noted in connection with these figures is that they do not represent a mass of emergency placements, but show work done in the regular course of normal industry. Nor is there an attempt to make a great showing by padding the figures with a large number of day workers and those doing casual jobs. Rather, these figures show that the Bureau is endeavoring to build up a string of branch offices on a firm basis, so that they will in time become a series of bureaus of information which will have something to offer and which will be of benefit to every kind and grade of worker.

In the table showing the number of placements it is to be kept in mind that these are actual placements. No one is reported as having been placed in employment unless a report to that effect has been secured from the employer or the employee. All applicants at the time they are referred are given a postal card. This is to be signed by the employer and mailed back to the office. In case there is no return of the card, the employer is called by telephone or is written to in regard to the applicant. As many of the cards never come back, and as some employers cannot be

reached by telephone or fail in some way to give the office the information asked for, there is necessarily always a smaller "Number Reported Placed" than the number who actually find work through the employment office. The true number of those placed is to be found somewhere between the "Number Reported Placed" and the "Number Referred to Positions," as shown in the tables. But for every person reported placed, the branch offices have either the return postal or a card signed by the clerk who received the information over the telephone or otherwise.

Back of these statistical tables which give in cold, dry detail the results of the daily work of the branch offices, is a mass of work performed which cannot be shown by statistics. These tables cannot show the hundreds, and even thousands, of cases where advice was given to workers, both old and young, which led them to take up work better fitted to their temperament and abilities. They cannot show the many hours' time and the many useless miles of traveling saved through the applicants coming to one central point of information. They do not show the patient work of getting a backward man or woman into a satisfactory job from which they would have shrunk had they not had proper direction and urging. The tables do not disclose the great number of young people who received advice from the trained workers in the different branch offices as to what trade or occupation they should take up.

The law regarding the organization of the branch offices into different departments is permissive. Taking advantage of this, no separate departments for juveniles were established at the opening of the branch offices. There were two important reasons for this. In the first place, immediately upon the opening of the offices, there was such a pressure of applicants that it was all the offices could do to handle the adults. Another reason for not at once opening special juvenile departments was that there were no specially trained workers for the delicate task of handling young people. It was hoped that the workers in these bureaus would become so well acquainted with industry and so well acquainted with the requirements of workers, that they would come to have a comprehensive knowledge of all the demands of the many industries and the various grades of workers. This

sort of knowledge could only come through the actual placing of men and women in various trades and occupations. It was felt that until this training was acquired, it would be wise to defer the opening of juvenile placement departments. We believe the corps of workers in the Bureau of Employment, after their many months of experience, are now ready for this particular and much needed branch of the work. The juvenile placement departments should now be established in every branch office as rapidly as possible.

Already the offices are doing, along with their regular work, a great deal of what might be called vocational direction. Special effort is made to direct young people into the kind of work for which they are best fitted. Too often the young man or young woman starting in to work takes the first job available, without much regard whether they are fitted for it either by education, experience or temperament. This results in two dissatisfied persons — the employer grumbles because of poor work, and the young man or young woman chafing under the inability to properly do the work, and resentful because of the complaints, is rendered still more inefficient. The employees of the Bureau of Employment, having a thorough knowledge of all their local industries, are in a much better position than any other agency to point out to young people the work which they are best fitted to do. Nor does this ability to give competent direction confine itself to the young. Many people who have reached middle age are shown that they can do better work and earn more in vocations which they knew little or nothing about before visiting the Bureau.

There is, however, a great need for the starting of special departments for the handling of children who are leaving school to enter industry. Under our present system, the state spends thousands of dollars in educating the children of the different communities. After receiving this education, they are turned out of the schools at any time from the 14th to the 20th year, and allowed to hunt their vocation in life with very little well-defined or intelligent direction. The child may turn to its parent, who often has very limited knowledge as to the industries of his community or the country at large. If the child turns to its teacher, it finds but little more help here, and so, in a haphazard

fashion, it secures a "job." The state should establish in every community a central point to which the child could turn to learn all about industries, all about opportunities in staple trades and new lines of business, to know which were decaying trades, which were "blind-alley" trades, and what vocation was best fitted to its education and temperament. The agitation for industrial and vocational education should be followed by provision for connecting those who have been thus trained with the opportunities for employment.

To help emphasize the parallel between the public school and the public employment office, it has been the endeavor of this Bureau to eliminate the word "free" in reference to public employment offices, just as the word "free" has been eliminated as a designation of public schools. It is true the services of the public employment offices are "free"; so also are the services of the public school. To continue the use of the word free in referring to the public employment offices gives them the taint of charity, and we thus drive away capable workers who resent the implication of being patronized. No parent, however well-to-do, thinks of charity when he sends his child to the public school. But he will not patronize a "free" public employment bureau, except as a last resort.

The Bureau of Employment is constantly finding new avenues for usefulness. Some of the branch offices have been handling school teachers. In all of the offices there is endeavor made to induce farmers to keep good farm hands the year round. To aid in this, the office endeavors to select the very best possible man so that the farmer may have an incentive to keep him. While the offices in no way enter into the wage question in any trade or occupation, leaving that to be settled between the employer and employee, yet in nearly all cases orders received contain the information of wages offered. In this way the offices know something about the prevailing rate of wage in lines of work not controlled by wage agreements. The branch offices in themselves are very interesting places. During the hours when applicants are registered and referred, the offices are, as a rule, crowded with workers. Often the place becomes a regular labor market, and employers can be seen in various corners arranging terms of

employment with the different applicants. This is especially true of farm hands in the men's department and domestics in the women's department.

If the offices did no more than directly connect the work and the worker, they would justify their existence. There is probably no other thing so depressing to a man as the weary hunt for a job — the being turned away day after day from factory gates, work shops and offices. After a few weeks of this sort of thing, men who, under ordinary circumstances, would be good and steady workmen, gradually get into such a depressed state that at last when work is found they have become unfitted to do it. There should be a wider realization of the many ways in which a man seeking work to-day finds it. His most common way is to apply at the actual place of the work. This means tramping the streets of the city or riding to many parts of the community where work is going on. Or he may answer an ad in the newspaper and find himself in line with many hundreds of other applicants. Or he may insert an ad in some newspaper and go the weary round in answer to the replies. If he is a union man, he can apply to the headquarters or to the business agent of his union. If he is a non-union man, or is not opposed to working in an open shop, he may apply to the employment bureau of an employers' association. If he has a family to support and has reached the point of asking charity, he may be referred to the employment office of some charitable association. If he has a little money, he can go to a private employment agency. Here he may be charged a registration fee, and if, after some delay, he is finally placed in a position, he will be made to pay anywhere from from five to twenty per cent of his first month's wages.

So many varied ways cause a scattering of energies and a loss of time and money, not only to the employer and employee, but to society as a whole. The method is as primitive as the ox-team, and the inefficiency and waste are very great.

The private employment agencies are of little or no real help in this situation. The report of the Industrial Commission of Wisconsin states this so clearly that we quote it here in full:

The service of connecting employers and working people is something which private agencies cannot do as efficiently as the state. In the first place the

gathering of information about opportunities for employment and distribution of this information to those in need of it requires a centralized organization which will gather all the demand for labor and which will be in touch with the entire available supply. To have many private labor agents attempting to give this service defeats the very purpose of a clearing house where employer and worker may meet; for demand for help is often registered with one employment agent while the applicants for employment are registering at other offices. A unified system of employment offices is needed to secure the best distribution of labor.

It must be remembered in this connection that it is impossible for wage-earners themselves to discover the opportunities for employment for which they are best fitted. They cannot call at every factory in a large city, and they cannot know what distant farmer or construction company needs their services, or where railroads and lumber companies are maintaining camps. In any case, some agent must make a specialty of gathering information about opportunities for employment and rounding up the available supply of labor. The worker has but the alternative of calling upon the private agent and paying for his information or having the state supply the information free of charge.

The fee which private labor agents must charge for their services also precludes them from becoming efficient distributors of the labor force of the state. At the very time when labor is most oversupplied, when there are many unemployed and it is important that they go to work at once, then the private agents charge the highest fees, thus interposing a barrier to the proper flow of labor into the channels where it is needed. Moreover, there is ever the temptation to the agent to fill his positions from among people who are already employed, thus enabling him to create new vacancies and to earn more fees. This practice is universal among private labor agents.

There are many immediate and pressing problems in the different branch offices of the Bureau calling for solution. For instance, what is the best system of filing registration cards of applicants so that when an order is received it will be possible to quickly select the proper man from the list of those registered? Shall there be certain hours for registering and certain hours for referring applicants, or shall workers be allowed to come in at any time and make application? Shall employers be allowed to telephone in orders during all hours of the day and expect instant service, or shall there be definite periods for sending out workers? How can the floor plan of an office be so arranged that applicants in registering shall not crowd upon one another, and how shall privacy be secured to the man answering questions concerning himself? As it is now, it is very difficult to prevent four or five other workers from hearing all the answers an applicant gives.

How many and what questions shall be asked of an applicant so as not to obtrude into his private life, and yet at the same time obtain all the information necessary in properly fitting him into some one of the positions offered? How often shall an applicant be required to renew his application, and how long shall his original registration be allowed to stand as an active registration? This last question is one of the most vexing, and none of the employment offices in this country are able to offer a solution. Not even the Federal Government has attempted as yet to work out a uniform and comprehensive system of renewals, although both for the administrative work of the office as well as for statistical purposes, the question demands a solution. What length of time shall a man placed in a position work before he is said to have a permanent position? What shall be called permanent positions and what temporary positions, and what sort of jobs shall be classed as casual? How shall classifications be made of trades and occupations under the many and varied industries carried on in this country, so that the records of each office will be comparable? At the present time our daily report sheet lists 21 industries, with sub-divisions of 137 trades and occupations. Until some of these questions are settled, there can be no compiling of uniform statistics for the country as a whole.

Shall the local offices throughout the state be allowed to fill orders from other states, and shall applicants be allowed to register when they are already holding a position?

All the branch offices are at present working in close co-operation with the various labor organizations of their communities, but some scheme of even closer co-operation must be worked out for the benefit of the workers and the community.

It has been the general conception of private charitable associations and other like organizations, that the Bureau of Employment should make a special effort to place ex-prisoners and also the large class of near-unemployable men generally dealt with by private charity. It has often been a difficult task to make clear that the Bureau of Employment is a business proposition just commencing to establish its business standing in the different communities where located. The handling of ex-prisoners and the near-unemployable has to be carried on in an entirely different

manner from the method used in placing capable and regular workers. It is a special work in itself, and requires the most intensive treatment, and properly belongs to organizations incorporated and endowed for the purpose of aiding prisoners and for the dispensing of charity. For the present the Bureau of Employment can be of help in a great many cases, but cannot devote the time of its limited force to taking up the matter in a special and intensive way. We are, however, placing many of the handicapped and are enabled to do so because we have built up a feeling of confidence among employers to whom we have been furnishing capable workers. An employer of this kind will often take a less efficient applicant when all the particulars of the case are given such employer by the Bureau. It is hoped that the time will come when the Bureau of Employment will be large enough so that it may have a special department in each large branch for handling these classes of labor.

The Bureau, especially in New York City, has been of considerable assistance to the Bureau of Workmen's Compensation in placing a number of partially disabled workmen whose claims are pending in the Compensation Bureau. Where it was believed by the Compensation Bureau that a man was capable of doing light work, the Bureau of Employment has endeavored to find such work for him. Also, the employment offices have placed a number of more or less handicapped workmen who have been sent to the Employment Bureau by the Bureau of Compensation.

It can now be safely predicted that there will be far less unemployment the coming year than there has been for the past two or three years. Because of this, it will not do to be lulled into the belief that there is less need for public employment bureaus, and that expansion of the system is not necessary. Rather, there is necessity for the establishment of more bureaus in every industrial center, for the reason that unemployment is always with us — the amount only varying with the general condition of industry throughout the country. Now is the time to prepare a body of trained employment office workers to deal with the problem which is sure to follow the end of the European war. All sorts of predictions are made as to the effect the ending of the war will have on this country. Whatever that effect may be, the

need for public employment offices to deal with the situation will be very great. Whatever plans may be devised for helping in an acute situation, if one develops, whatever methods are planned for the elimination of chronic unemployment — in either case, the work will have to be carried on through the public employment offices, and better work can be done through them than through any other agency. It would be more than foolish to be again placed in the condition in which this country found itself when the acute unemployment situation of last year arose. The organization of the public employment offices should be so developed that the Bureau of Employment would be ready to take up the work which was then turned over to hastily appointed committees. It is time we laid a foundation for dealing with the question through a regularly organized agency which is at work continuously on the problem.

The experience which the Bureau of Employment has gained up to this time shows that the need of a bureau is greater in prosperous times than in hard times. When times are poor not many jobs go a-begging, as some worker will soon find the vacant job, but in prosperous times when workers are not so plentiful, it is more difficult for the employer to locate the available workers. We must, moreover, recognize the fact that people are constantly changing their positions. In the best of times changes are going on, from the office girl to the office manager. Many trades are seasonal, old workers are leaving industry, new recruits are coming in. Machine processes replace hand processes, new industries spring up, others move away. For all these reasons workers are constantly being hired and shifted. A bureau of employment has an important function in helping to shift the workers during these changes.

We believe that the work of the Bureau of Employment has already proven the value of a state-wide system with a central clearing house. There are many other cities and towns in the state where it would be advantageous to establish offices. The requests from some of these cities that the Bureau of Employment establish a branch in their locality has in several instances been very pressing. During the coming year there should be not less than seven new offices established. There should be two more

offices in Greater New York, one in Binghamton, one in Utica, one in Watertown, one in Jamestown and one in Newburgh. These cities are tentatively suggested on account of their location and commercial importance and also for the reason that some of them have been holding out inducements to the State Industrial Commission to locate in their district. There are other cities discussing the question which will probably make satisfactory proposals to the Industrial Commission.

The question of whether or not the state and nation shall establish a system of public employment offices has been passed upon. It is now only a question of working out the details — of how they shall be run in the most efficient manner and in what way to produce the greatest benefit. New York is the leading industrial state in the union, far outstripping any other. In all matters of legislation or the working out of plans for the most efficient development of industry, other states look to New York to take the lead. The result of this is that all those states which have lately adopted a public employment office system, as well as those which are now contemplating it, are looking to this state to learn what we are doing with our public employment office system. In the states where the development has been retarded, it has been because the public has not yet begun to realize the value of the offices — the appropriations have been low, and cheap and inefficient people hired to do the work. It is only through trained and well-paid workers that these offices can be made a success. In the states of Massachusetts, Ohio and Wisconsin, public employment offices have been appreciated — appropriations have been sufficient to establish good working plants and to hire trained and practical people. The result is that the number of offices in these states is increasing, the work is a success and the salaries are high enough to attract capable people who are protected by Civil Service.

In addition to establishing the new branch offices just mentioned, there should also be established a number of sub-stations in thickly settled farming communities for the purpose of handling farm help. There are in the State of New York farm bureaus maintained in 31 of the counties. These bureaus are for the purpose of carrying on educational work among the farmers.

Experiments with different fertilizers and different kinds of seeds are made, and in various ways the farm bureau endeavors to assist in the agricultural development of the state. The trained men who carry on the work for the bureaus are constantly solicited by farmers to secure them farm help. As their time is taken up with other work, it is only practical for them to do a limited amount in the employment field. The need, however, for some definite agency to handle the matter has been felt very strongly in many sections of the state, and already several requests have been made of the Bureau of Employment that it furnish trained men to assist in the employment work.

When the first budget for the Bureau of Employment was prepared, no provision was made for salaries for assistant superintendents. The result of this was that a number of capable men and women had to be induced to enter the service of the Bureau of employment at very low allowance. Without exception, these people have done good work and proven themselves well fitted for the positions. To hold these people in this work and to show proper appreciation of their services, there should be some increase in the salaries of not less than 11 of these employees.

We have already in this report shown the need for the establishment of juvenile placement departments in all the branch offices.

The following table shows the expenditures of the office up to the 1st day of October, 1915:

APPROPRIATIONS		
Supply bill (1914) .....	\$13,191 66	
Appropriation bill (1914-15) .....	49,440 00	
		<u>\$62,631 66</u>
EXPENDITURES		
Salaries.....	\$27,778 50	
Furniture and equipment for six offices.....	5,019 18	
Rentals.....	5,162 00	
Advertising, printing, traveling expenses, expressage and stationery..	3,093 55	
		<u>41,653 23</u>
		<u><u>\$20,978 43</u></u>

The amount of \$5,766.66 appropriated for salaries in the supply bill lapsed on the 1st day of October, 1914. This deducted from the gross unexpended balance of \$20,978.43, leaves a net unexpended balance of \$15,211.77, which was re-appropriated and

became part of the amount appropriated for the general use of the State Industrial Commission.

In closing this report we wish to acknowledge our obligation to many volunteer workers who have rendered efficient service in the different branch offices. Many officers of trade organizations, business men, university professors, social workers and others have given the Bureau valuable assistance — some in the capacity of advisors, others in doing the actual work of the office, and still others in helping to bring the Bureau to public attention. The list is far too long to give individual mention.

I desire also in this connection to give sincere appreciation to the superintendents and the corps of workers in the various branch offices for the efficient service they have rendered — for the long hours they have spent and for their willingness and devotion to the work.

CHARLES B. BARNES,  
*Director, Bureau of Employment.*

Table I. LABOR DEMAND AND LABOR SUPPLY ACCORDING TO NUMBER OF REGISTRATIONS AND NUMBER OF POSITIONS OFFERED

## NOTES TO TABLE II

For Table II we have arranged twenty-six occupational groups under males and eight occupational groups under females. A large number of widely separated trades and occupations had to be brought under the heading "Occupations not otherwise classified" because there was such a small number in each. These occupational groups embrace the following trades and occupations:

<i>Males</i>	
Agricultural Workers.....	Farm hands, fruit and berry pickers, gardeners, foresters, etc.
Bakers and Butchers.....	Bakers, butchers and helpers.
Blacksmiths, etc.....	Blacksmiths and helpers.
Boilermakers, etc.....	Boilermakers and helpers.
Bricklayers, etc.....	Bricklayers, masons, plasterers, helpers, concrete workers, marble and stone cutters, brick, tile and terra cotta workers.
Carpenters, etc.....	Carpenters, joiners, helpers, furniture workers, cabinet makers, finishers, machine wood workers, piano and organ workers, upholsterers and all other wood working trades.
Chauffeurs, etc.....	Chauffeurs, cab and coach drivers, draymen, teamsters, hostlers, stable hands, etc.
Clerical Workers, etc.....	Bookkeepers, accountants, cashiers, stenographers, typists, and office clerks.
Coremakers, etc.....	Coremakers, molders and helpers.
Electrical Workers.....	Electrical workers, linemen and electricians.
Engineers, etc.....	Marine engineers and firemen, railroad engineers, firemen, conductors and trainmen, stationary engineers and firemen and watchmen.
Factory Workers.....	Drug and chemical workers, paint, oil and soap makers, glass workers, tailors, garment workers, hat and cap makers, laundry, cleaning and dyeing workers, millinery workers, shirt, collar and cuff makers, all other clothing, millinery and furnishings workers, cannery workers, cigar and tobacco workers, confectionery workers, all other food, beverage and tobacco workers, boot and shoe makers, fur workers, glove workers, harness makers, rubber workers, tannery workers, all other leather, rubber and allied products workers, paper goods workers, pulp and paper mill workers, all other paper and paper goods workers, spinners, winders, weavers and all other textile workers, juveniles and learners.
General Laborers.....	Building and construction laborers, chemical, oil and paint laborers, clay, glass and stone products laborers, clothing, millinery and furnishings laborers, food, beverage and tobacco laborers, leather, rubber and allied products laborers, metals and machinery laborers, paper and paper goods laborers, textile laborers, freight handlers, railroad section hands, transportation laborers, coal, lumber yard, etc., laborers, wood working laborers, day workers, dock workers, snow shovelers, ice cutters, all other casual workers and miscellaneous laborers.
Hotel Workers, etc.....	Bartenders, cooks, chefs, waiters, busboys, all other hotel, restaurant and institution workers, barbers, domestics, nurses and attendants and all other personal service workers.
Janitors, etc.....	Janitors, caretakers and handymen.
Machinists.....	Machinists.

Machine Hands.....	Auto repairers, garage workers, bench hands, assemblers, machine hands and helpers.
Messengers, etc.....	Messengers, errand boys and deliverymen.
Painters, etc.....	Painters, decorators, paper hangers, varnishers and helpers.
Plumbers, etc.....	Plumbers, gas and steam fitters and helpers.
Polishers, etc.....	Polishers, buffers, platters and helpers.
Porters.....	Saloon porters, store porters and miscellaneous porters.
Printers, etc.....	Bookbinders, machine operators, composing room employees, job printers, pressmen, feeders and all other printing and publishing workers.
Salemen, etc.....	Agents, canvassers, collectors, bundlers, wrappers, clerks, salesmen, shipping and stock clerks, packers, window trimmers and all other wholesale and retail trade workers.
Tinsmiths, etc.....	Roofers, tinsmiths, sheet metal workers and helpers.
Occupations Not Otherwise Classified. Structural iron workers, workers in the building and construction trades not otherwise classified, chemical workers not otherwise classified, clay, glass and stone products workers not otherwise classified, draftsmen, mechanical and civil engineers and clerical and professional occupations not otherwise classified, brewery workers, blast furnace workers, occupations in the metal and machinery trades not otherwise classified, mining and quarry workers, railroad switchmen, flagmen, yardmen, street railway conductors and motormen, telephone and telegraph operators, occupations in the transportation and public utilities trades not otherwise classified, elevator runners, moving picture operators, piano players, detectives, and miscellaneous workers not otherwise classified.	
<i>Females</i>	
Clerical Workers, etc.....	Bookkeepers, accountants, cashiers, stenographers, typists and office clerks.
Day Workers.....	Day workers.
Domestics, etc.....	Domestics, laundresses, nurses, attendants, manicurists, janitresses and all other domestic and personal service help.
Factory Workers.....	Drug and chemical workers, paint, oil and soap makers, clay, glass and stone products workers, dressmakers, seamstresses, tailoresses, garment workers, hat and cap makers, laundry, cleaning and dyeing workers, millinery workers, shirt, collar and cuff makers, all other occupations in the clothing, millinery and furnishings trades, cannery workers, cigar, cigarette and tobacco workers, confectionery workers, all other occupations in the food, beverage and tobacco trades, boot and shoe makers, fur workers, glove workers, rubber workers, all other occupations in the leather, rubber and allied products trades, all occupations in the metals and machinery trades, paper goods workers, pulp and paper mill workers, all other occupations in the paper and paper goods trades, spinners, winders, weavers and all other workers in the textile trades, upholsterers and all other workers in the wood working and furniture trades, juveniles and learners.
Hotel Workers, etc.....	Chambermaids, cooks, kitchen workers, matrons, housekeepers, waitresses and all other hotel, restaurant and institution workers.

Printers, etc..... Bookbinders, machine operators, job printers, composing room employees, proof readers, press feeders and all other occupations in the printing and publishing trades.

Saleswomen, etc..... Agents, canvassers, collectors, bundlers, wrappers, cash girls, clerks, saleswomen, shipping and stock clerks, peckers, models and all other occupations in the wholesale and retail trades.

Occupations not otherwise classified... Farm help, bakers, school teachers, clerical and professional occupations not otherwise classified, telephone and telegraph operators, elevator runners, piano players and miscellaneous workers not otherwise classified.

Table II.—NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS.

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>All Offices: Males</i>								
Agricultural workers.....	3,257	8.6	2,564	18.7	2,724	17.2	1,794	21.1
Bakers and butchers.....	290	0.8	86	0.6	52	0.3	15	0.2
Blacksmiths, etc.....	306	0.8	41	0.3	56	0.4	21	0.2
Boilermakers, etc.....	102	0.3	9	0.1	6	*0.0	4	*0.0
Bricklayers, etc.....	377	1.0	88	0.6	101	0.6	46	0.5
Carpenters, etc.....	2,053	5.4	676	4.9	766	4.8	395	4.7
Chauffeurs, etc.....	2,197	5.8	232	1.7	309	1.9	139	1.6
Clerical workers, etc.....	3,002	8.0	233	1.7	331	2.1	114	1.3
Coremakers, etc.....	353	0.9	48	0.4	71	0.4	26	0.3
Electrical workers.....	634	1.7	73	0.5	94	0.6	52	0.6
Engineers, etc.....	1,392	3.7	96	0.7	156	1.0	59	0.7
Factory workers.....	2,266	6.0	426	3.1	536	3.4	229	2.7
General laborers.....	4,836	12.8	3,572	26.1	3,736	23.6	2,363	27.9
Hotel workers, etc.....	1,818	4.8	742	5.4	938	5.9	480	5.7
Janitors, etc.....	804	2.1	490	3.6	553	3.5	395	4.7
Machinists.....	1,834	4.9	1,089	8.0	1,273	8.0	510	6.0
Machine hands.....	2,453	6.5	568	4.1	765	4.8	337	4.0
Messengers, etc.....	849	2.2	251	1.8	315	2.0	148	1.7
Painters, etc.....	857	2.3	247	1.8	278	1.8	155	1.8
Plumbers, etc.....	759	2.0	70	0.5	108	0.7	48	0.6
Polishers, etc.....	250	0.7	38	0.3	44	0.3	17	0.2
Porters.....	853	2.3	356	2.6	443	2.8	242	2.9
Printers, etc.....	635	1.7	98	0.7	116	0.7	48	0.6
Salemen, etc.....	2,853	7.6	792	5.8	1,041	6.6	380	4.5
Tinsmiths, etc.....	364	1.0	62	0.5	69	0.4	31	0.4
Occupations not otherwise classified.....	2,299	6.1	751	5.5	982	6.2	433	5.1
<b>Totals.....</b>	<b>37,693</b>	<b>100.0</b>	<b>13,698</b>	<b>100.0</b>	<b>15,863</b>	<b>100.0</b>	<b>8,481</b>	<b>100.0</b>
<i>All Offices: Females</i>								
Clerical workers, etc.....	1,853	15.6	353	3.9	647	6.0	183	3.7
Day workers.....	352	3.0	390	4.3	402	3.7	334	6.8
Domestics, etc.....	4,968	41.9	4,650	50.8	5,335	49.5	2,494	50.8
Factory workers.....	1,928	16.2	1,637	17.9	1,925	17.9	790	16.1
Hotel workers, etc.....	1,780	15.0	1,515	16.5	1,811	16.8	849	17.3
Printers, etc.....	90	0.7	85	0.9	131	1.2	42	0.8
Salewomen, etc.....	428	3.6	380	4.1	398	3.7	170	3.5
Occupations not otherwise classified.....	462	3.9	148	1.6	129	1.2	48	1.0
<b>Totals.....</b>	<b>11,861</b>	<b>100.0</b>	<b>9,153</b>	<b>100.0</b>	<b>10,778</b>	<b>100.0</b>	<b>4,910</b>	<b>100.0</b>

\* Less than 0.1 per cent.

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Table II.—NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS—(Continued)

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Brooklyn Office: Males</i>								
Agricultural workers.....	341	2.4	58	1.8	78	1.7	39	1.9
Bakers and butchers.....	57	0.4	7	0.2	7	0.2	2	0.1
Blacksmiths, etc.....	78	0.5	13	0.4	14	0.3	5	0.3
Boilermakers, etc.....	34	0.2	2	0.1	1	*0.0	...	...
Bricklayers, etc.....	145	1.0	20	0.6	20	0.4	13	0.7
Carpenters, etc.....	642	4.5	172	5.3	221	4.8	108	5.4
Chauffeurs, etc.....	1,002	7.0	34	1.0	48	1.1	17	0.9
Clerical workers, etc.....	1,424	9.9	78	2.4	101	2.2	41	2.0
Coremakers, etc.....	55	0.4	12	0.4	17	0.4	1	0.1
Electrical workers.....	298	2.1	53	1.6	73	1.6	42	2.1
Engineers, etc.....	569	4.0	42	1.3	69	1.5	27	1.3
Factory workers.....	1,004	7.0	118	3.6	135	3.0	54	2.7
General laborers.....	1,378	9.6	731	22.4	1,096	24.0	490	24.4
Hotel workers, etc.....	562	3.9	213	6.5	287	5.8	145	7.2
Janitors, etc.....	340	2.4	86	2.6	128	2.8	67	3.3
Machinists.....	796	5.6	378	11.6	537	11.8	202	10.1
Machine hands.....	737	5.2	154	4.7	224	4.9	90	4.5
Messengers, etc.....	479	3.3	96	2.9	128	2.8	61	3.0
Painters, etc.....	285	2.0	50	1.5	57	1.2	33	1.6
Plumbers, etc.....	410	2.9	37	1.1	67	1.5	30	1.5
Polishers, etc.....	100	0.7	9	0.3	16	0.4	4	0.2
Porters.....	490	3.4	143	4.4	169	3.7	88	4.4
Printers, etc.....	395	2.8	52	1.6	65	1.4	35	1.7
Salemen, etc.....	1,521	10.6	357	10.9	531	11.6	191	9.5
Tinsmiths, etc.....	157	1.1	9	0.3	8	0.2	7	0.4
Occupations not otherwise classified.....	1,018	7.1	342	10.5	490	10.7	215	10.7
<b>Totals.....</b>	<b>14,317</b>	<b>100.0</b>	<b>3,266</b>	<b>100.0</b>	<b>4,567</b>	<b>100.0</b>	<b>2,007</b>	<b>100.0</b>
<i>Brooklyn Office: Females</i>								
Clerical workers, etc.....	918	20.6	154	5.2	331	8.1	78	4.6
Day workers.....	182	4.1	164	5.5	173	4.2	158	9.3
Domestics, etc.....	1,603	36.0	1,074	36.2	1,477	36.1	592	34.8
Factory workers.....	1,032	23.1	980	33.0	1,285	31.4	486	28.6
Hotel workers, etc.....	351	7.9	381	12.9	541	13.2	269	15.8
Printers, etc.....	49	1.1	41	1.4	78	1.9	29	1.7
Salewomen.....	168	3.8	140	4.7	176	4.3	75	4.4
Occupations not otherwise classified.....	152	3.4	32	1.1	30	0.8	13	0.8
<b>Totals.....</b>	<b>4,455</b>	<b>100.0</b>	<b>2,966</b>	<b>100.0</b>	<b>4,091</b>	<b>100.0</b>	<b>1,700</b>	<b>100.0</b>

\* Less than 0.1 per cent.

Table II.—NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS—(Continued)

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Syracuse Office: Males</i>								
Agricultural workers.....	965	15.0	790	24.1	845	22.8	529	25.5
Bakers and butchers.....	47	0.8	8	0.2	13	0.4	3	0.1
Blacksmiths, etc.....	58	1.0	13	0.4	23	0.6	9	0.4
Boilermakers, etc.....	19	0.3	3	0.1	3	0.1	2	0.1
Bricklayers, etc.....	53	0.9	31	0.9	33	0.9	15	0.7
Carpenters, etc.....	377	6.3	159	4.8	204	5.5	103	5.0
Chaufeurs, etc.....	270	4.5	64	1.9	84	2.3	39	1.9
Clerical workers, etc.....	416	6.9	37	1.1	60	1.6	17	0.8
Coremakers, etc.....	82	1.4	15	0.5	27	0.7	10	0.5
Electrical workers.....	79	1.3	3	0.1	5	0.1	2	0.1
Engineers, etc.....	225	3.7	13	0.4	22	0.6	10	0.5
Factory workers.....	186	3.1	59	1.8	79	2.1	21	1.0
General laborers.....	715	11.9	995	30.3	1,085	29.2	724	34.9
Hotel workers, etc.....	323	5.5	179	5.5	213	5.8	109	5.2
Janitors, etc.....	88	1.5	51	1.6	53	1.4	41	2.0
Machinists.....	318	5.3	307	9.3	330	8.9	157	7.6
Machine hands.....	553	9.2	77	2.3	119	3.2	44	2.1
Messengers, etc.....	108	1.8	47	1.4	56	1.5	26	1.3
Painters, etc.....	178	2.9	62	1.9	79	2.1	45	2.2
Plumbers, etc.....	88	1.5	17	0.5	27	0.7	11	0.5
Polishers, etc.....	37	0.6	9	0.3	12	0.3	6	0.3
Porters.....	80	1.3	71	2.2	79	2.1	51	2.5
Printers, etc.....	31	0.5	2	0.1	1	*0.0	1	*0.0
Salemen, etc.....	350	5.8	150	4.6	132	3.6	43	2.1
Tinsmiths, etc.....	43	0.7	3	0.1	2	0.1	2	0.1
Occupations not otherwise classified.....	378	6.3	118	3.6	127	3.4	54	2.6
<b>Totals.....</b>	<b>6,017</b>	<b>100.0</b>	<b>3,283</b>	<b>100.0</b>	<b>3,713</b>	<b>100.0</b>	<b>2,074</b>	<b>100.0</b>
<i>Syracuse Office: Females</i>								
Clerical workers, etc.....	293	11.8	70	3.1	97	4.1	38	3.1
Day workers.....	7	0.3	9	0.4	11	0.5	8	0.7
Domestics, etc.....	1,173	47.3	1,404	61.5	1,546	64.8	801	65.2
Factory workers.....	256	10.3	214	9.4	227	9.5	132	10.7
Hotel workers, etc.....	472	19.0	467	20.4	426	17.8	232	18.9
Printers, etc.....	10	0.4	1	*0.0	2	0.1	11	0.9
Saleswomen, etc.....	62	2.5	74	3.2	26	1.1	6	0.5
Occupations not otherwise classified.....	207	8.4	45	2.0	50	2.1	6	0.5
<b>Totals.....</b>	<b>2,480</b>	<b>100.0</b>	<b>2,284</b>	<b>100.0</b>	<b>2,385</b>	<b>100.0</b>	<b>1,228</b>	<b>100.0</b>

\*Less than 0.1 per cent.

Table II.—NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS—(Continued)

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Rochester Office: Males</i>								
Agricultural workers.....	1,000	15.2	1,083	28.5	1,074	29.4	741	34.9
Bakers and butchers.....	44	0.7	14	0.4	15	0.4	4	0.2
Blacksmiths, etc.....	45	0.7	8	0.2	8	0.2	2	0.1
Boilermakers, etc.....	5	0.1	.....	.....	.....	.....	.....	.....
Bricklayers, etc.....	61	0.9	15	0.4	17	0.5	5	0.2
Carpenters, etc.....	434	6.6	170	4.5	147	4.0	54	2.5
Chafeurs, etc.....	277	4.2	83	2.2	99	2.7	51	2.4
Clerical workers, etc.....	365	5.6	58	1.5	78	2.1	31	1.5
Coremakers, etc.....	22	0.3	.....	.....	.....	.....	.....	.....
Electrical workers.....	71	1.1	3	0.1	3	0.1	1	0.1
Engineers, etc.....	164	2.5	16	0.4	22	0.6	7	0.3
Factory workers.....	679	10.3	165	4.3	199	5.4	108	5.1
General laborers.....	1,022	15.6	1,018	26.8	687	18.8	483	22.7
Hotel workers, etc.....	248	3.8	141	3.7	160	4.4	81	3.8
Janitors, etc.....	145	2.2	206	5.4	215	5.9	159	7.5
Machinists.....	227	3.5	179	4.7	192	5.3	67	3.2
Machinists hands.....	405	6.2	115	3.0	142	3.9	53	2.5
Messengers, etc.....	106	1.6	61	1.6	81	2.2	36	1.7
Painters, etc.....	128	1.9	54	1.4	49	1.3	20	0.9
Plumbers, etc.....	79	1.2	8	0.2	8	0.2	3	0.1
Polishers, etc.....	44	0.7	4	0.1	4	0.1	1	0.1
Porters.....	106	1.6	60	1.6	71	1.9	37	1.7
Printers, etc.....	98	1.5	34	0.9	42	1.2	11	0.5
Salesmen, etc.....	364	5.5	131	3.4	134	3.7	71	3.3
Tinsmiths, etc.....	65	1.0	22	0.6	25	0.7	9	0.4
Occupations not otherwise classified.....	359	5.5	154	4.1	182	5.0	91	4.3
<b>Totals.....</b>	<b>6,563</b>	<b>100.0</b>	<b>3,800</b>	<b>100.0</b>	<b>3,654</b>	<b>100.0</b>	<b>2,126</b>	<b>100.0</b>
<i>Rochester Office: Females</i>								
Clerical workers, etc.....	316	15.4	96	4.5	164	7.4	50	5.8
Day workers.....	47	2.3	171	8.0	168	7.6	127	14.6
Domestics, etc.....	875	42.6	1,028	48.1	985	44.4	370	42.7
Factory workers.....	435	21.2	366	17.1	331	14.9	133	15.3
Hotel workers, etc.....	208	10.1	292	13.6	354	16.0	105	12.1
Printers, etc.....	14	0.7	40	1.9	46	2.1	11	1.3
Saleswomen, etc.....	109	5.3	105	4.9	142	6.4	58	6.7
Occupations not otherwise classified.....	49	2.4	40	1.9	27	1.2	13	1.5
<b>Totals.....</b>	<b>2,053</b>	<b>100.0</b>	<b>2,138</b>	<b>100.0</b>	<b>2,217</b>	<b>100.0</b>	<b>867</b>	<b>100.0</b>

Table II.— NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS—(Continued)

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
<i>Buffalo Office: Males</i>								
Agricultural workers.....	668	8.4	394	16.4	426	16 1	300	19.0
Bakers and butchers.....	97	1.2	45	1.9	2	0.1	...	0.2
Blacksmiths, etc.....	108	1.4	5	0.2	6	0.2	3	0.1
Boilermakers, etc.....	41	0.5	4	0.2	2	0.1	2	0.1
Bricklayers, etc.....	79	1.0	19	0.8	24	0.9	13	0.8
Carpenters, etc.....	480	5.8	149	6.2	165	6.2	113	7.1
Chauffeurs, etc.....	450	5.6	43	1.8	64	2.4	26	1.6
Clerical workers, etc.....	602	7.5	52	2.2	70	2.7	19	1.2
Coremakers, etc.....	162	2.0	11	0.5	15	0.6	6	0.4
Electrical workers.....	144	1.8	10	0.4	9	0.3	7	0.4
Engineers, etc.....	328	4.1	23	1.0	41	1.6	14	0.9
Factory workers.....	302	3.8	72	3.0	107	4.1	38	2.4
General laborers.....	1,455	18.2	648	27.0	649	24.6	528	33.4
Hotel workers, etc.....	299	3.7	69	2.9	85	3.2	38	2.4
Janitors, etc.....	188	2.4	115	4.8	124	4.7	99	6.3
Machinists.....	373	4.7	196	8.1	178	6.7	69	4.4
Machine hands.....	664	8.3	163	6.8	219	8.3	91	5.8
Messengers, etc.....	127	1.6	38	1.6	37	1.4	17	1.1
Painters, etc.....	194	2.4	69	2.8	82	3.1	49	3.1
Plumbers, etc.....	124	1.6	8	0.3	2	0.1	2	0.1
Polishers, etc.....	65	0.8	16	0.7	12	0.5	6	0.4
Porters.....	98	1.2	57	2.4	76	2.9	44	2.8
Printers, etc.....	65	0.8	3	0.1	4	0.2	...	...
Salesmen, etc.....	435	5.4	86	3.5	94	3.6	32	2.0
Tinsmiths, etc.....	80	1.0	21	0.9	25	0.9	10	0.6
Occupations not otherwise classified.....	381	4.8	84	3.5	120	4.5	56	3.5
<b>Totals.....</b>	<b>7,989</b>	<b>100.0</b>	<b>2,398</b>	<b>100.0</b>	<b>2,638</b>	<b>100.0</b>	<b>1,582</b>	<b>100.0</b>
<i>Buffalo Office: Females</i>								
Clerical workers, etc.....	222	10.9	26	2.1	41	3.1	12	1.6
Day workers.....	36	1.8	9	0.7	9	0.7	8	1.0
Domestics, etc.....	1,067	52.2	882	71.6	916	68.8	572	74.4
Factory workers.....	148	7.2	45	3.7	51	3.8	18	2.3
Hotel workers, etc.....	466	22.8	209	17.0	263	19.8	132	17.2
Printers, etc.....	11	0.5	...	...	...	...	...	...
Saleswomen, etc.....	60	2.9	41	3.3	40	3.0	17	2.2
Occupations not otherwise classified.....	34	1.7	19	1.6	11	0.8	10	1.3
<b>Totals.....</b>	<b>2,044</b>	<b>100.0</b>	<b>1,231</b>	<b>100.0</b>	<b>1,331</b>	<b>100.0</b>	<b>769</b>	<b>100.0</b>

Table II.—NUMBER OF REGISTRATIONS, POSITIONS OFFERED, PERSONS REFERRED AND PERSONS REPORTED PLACED BY OCCUPATIONS—(Concluded)

OCCUPATIONS	REGISTRATIONS		POSITIONS OFFERED		NUMBER REFERRED		REPORTED PLACED	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>Albany Office: Males</i>								
Agricultural workers.....	343	12.2	239	25.1	301	23.3	185	26.7
Bakers and butchers.....	45	1.6	12	1.3	15	1.2	6	0.9
Blacksmiths, etc.....	17	0.6	2	0.2	5	0.4	2	0.3
Boilermakers, etc.....	3	0.1	.....	.....	.....	.....	.....	.....
Bricklayers, etc.....	39	1.4	3	0.3	7	0.5	.....	.....
Carpenters, etc.....	140	5.0	26	2.7	29	2.2	17	2.4
Chafeurs, etc.....	198	7.1	8	0.8	14	1.1	6	0.9
Clerical workers, etc.....	195	6.9	10	1.1	22	1.7	6	0.9
Coremakers, etc.....	32	1.1	10	1.1	12	0.9	9	1.3
Electrical workers.....	42	1.5	4	0.4	4	0.3	.....	.....
Engineers, etc.....	106	3.8	2	0.2	2	0.2	1	0.1
Factory workers.....	95	3.4	12	1.3	16	1.2	8	1.2
General laborers.....	266	9.5	180	18.9	219	17.0	138	19.9
Hotel workers, etc.....	376	13.4	140	14.7	213	16.5	107	15.5
Janitors, etc.....	43	1.5	32	3.4	33	2.6	29	4.2
Machinists.....	120	4.3	29	3.1	36	2.8	15	2.2
Machine hands.....	94	3.4	59	6.2	61	4.7	59	8.5
Messengers, etc.....	29	1.0	9	0.9	13	1.0	8	1.2
Painters, etc.....	72	2.6	12	1.3	11	0.9	8	1.2
Plumbers, etc.....	58	2.1	2	0.2	4	0.3	2	0.3
Polishers, etc.....	4	0.1	.....	.....	.....	.....	.....	.....
Porters.....	79	2.8	25	2.6	48	3.7	22	3.2
Printers, etc.....	46	1.6	7	0.7	4	0.3	1	0.1
Salesmen, etc.....	183	6.5	68	7.2	150	11.6	43	6.2
Tinsmiths, etc.....	19	0.7	7	0.7	9	0.7	3	0.4
Occupations not otherwise classified.....	163	5.8	53	5.6	63	4.9	17	2.4
<b>Totals.....</b>	<b>2,807</b>	<b>100.0</b>	<b>951</b>	<b>100.0</b>	<b>1,291</b>	<b>100.0</b>	<b>692</b>	<b>100.0</b>
<i>Albany Office: Females</i>								
Clerical workers, etc.....	104	12.5	7	1.3	14	1.9	5	1.4
Day workers.....	80	9.7	37	6.9	41	5.4	33	9.5
Domestics, etc.....	250	30.2	262	48.6	411	54.5	159	46.0
Factory workers.....	57	6.9	32	5.9	31	4.1	21	6.1
Hotel workers, etc.....	283	34.1	166	30.8	227	30.1	111	32.1
Printers, etc.....	6	0.7	3	0.6	5	0.7	2	0.6
Saleswomen, etc.....	29	3.5	20	3.7	14	1.9	9	2.6
Occupations not otherwise classified.....	20	2.4	12	2.2	11	1.5	6	1.7
<b>Totals.....</b>	<b>829</b>	<b>100.0</b>	<b>539</b>	<b>100.0</b>	<b>754</b>	<b>100.0</b>	<b>346</b>	<b>100.0</b>

Table III. REGISTRATIONS AND PERCENTAGE DISTRIBUTION BY OCCUPATION GROUPS

## MALES

CITY	Number of males registered	PER CENT		
		Skilled work, factory work and clerical	General labor, day work, casual, messenger and porter	Agricultural
Brooklyn (9 months).....	14,317	81.2	16.4	2.4
Syracuse (8 months).....	6,017	70.0	15.0	15.0
Rochester (8 months).....	6,563	66.0	18.8	15.2
Buffalo (8 months).....	7,989	70.6	21.0	8.4
Albany (5 months).....	2,807	74.5	13.3	12.2
Total.....	37,693	74.0	17.3	8.6

## FEMALES

CITY	Number of females registered	PER CENT			
		Clerical work and saleswomen	Domestic and day work	Hotel, restaurant and institutional work	Factory and all other work
Brooklyn (9 months).....	4,455	24.4	40.1	7.9	27.6
Syracuse (8 months).....	2,480	14.3	47.6	19.0	19.1
Rochester (8 months).....	2,053	20.7	44.9	10.1	24.3
Buffalo (8 months).....	2,044	13.8	54.0	22.8	9.4
Albany (5 months).....	829	16.0	39.8	34.1	10.0
Total.....	11,861	19.2	44.9	15.0	20.9

Table IV. NUMBER OF POSITIONS OFFERED AND PERCENTAGES BY OCCUPATIONAL GROUPS

## MALES

CITY	Number of male positions offered	PER CENT		
		Skilled work, factory work and clerical	General labor, day work, casual, messenger and porter	Agricultural
Brooklyn (9 months).....	3,266	68.5	29.7	1.8
Syracuse (8 months).....	3,283	42.0	33.9	24.1
Rochester (8 months).....	3,800	41.5	30.0	28.5
Buffalo (8 months).....	2,398	52.6	31.0	16.4
Albany (5 months).....	951	52.4	22.5	25.1
Total.....	13,698	50.8	30.5	18.7

## FEMALES

CITY	Number of female positions offered	PER CENT			
		Clerical work and saleswomen	Domestic and day work	Hotel, restaurant and institutional work	Factory and all other work
Brooklyn (9 months).....	2,966	9.9	41.7	12.8	35.5
Syracuse (8 months).....	2,284	6.3	61.9	20.4	11.4
Rochester (8 months).....	2,138	9.4	56.1	13.6	20.9
Buffalo (8 months).....	1,231	5.4	72.4	17.0	5.2
Albany (5 months).....	539	5.0	55.5	30.8	8.7
Total.....	9,158	8.0	55.0	16.5	20.4

Table V. NUMBER OF PLACEMENTS AND PERCENTAGES BY OCCUPATIONAL GROUPS

## MALES

CITY	Number of males reported placed	PER CENT		
		Skilled work, factory work and clerical	General labor, day work, casual, messenger and porter	Agricultural
Brooklyn (9 months).....	2,007	66.2	31.8	1.9
Syracuse (8 months).....	2,074	35.9	38.6	25.5
Rochester (8 months).....	2,126	39.0	26.1	34.9
Buffalo (8 months).....	1,582	43.8	37.2	19.0
Albany (5 months).....	692	49.0	24.3	26.7
Total.....	8,481	46.4	32.5	2.11

## FEMALES

CITY	Number of females reported placed	PER CENT			
		Clerical work and saleswomen	Domestic and day work	Hotel, restaurant and institutional work	Factory and all other work
Brooklyn (9 months).....	1,700	9.0	44.1	15.8	31.1
Syracuse (8 months).....	1,228	4.0	65.9	18.9	11.2
Rochester (8 months).....	867	12.5	57.3	12.1	18.1
Buffalo (8 months).....	769	3.8	75.4	17.2	3.6
Albany (5 months).....	346	4.0	55.5	32.1	8.4
Total.....	4,910	7.2	57.6	17.3	17.9

**(2) REPORTS OF SUPERINTENDENTS OF BRANCH OFFICES**

**(A) BROOKLYN OFFICE**

*To the Director:*

I beg to submit herewith a report of the work of the Brooklyn office of the State Public Employment Bureau for the year 1915.

The Brooklyn office of the State Public Employment Bureau was opened on January 4, 1915. During the first few weeks the office was crowded throughout the entire day with hundreds of men seeking employment. I had visited many employers during the month of December, and had been informed that January was a very poor month for men seeking employment. Many of these employers shut down their factories during the first half of January to take inventory; others said that their season ended with December, and that January and February were their slack months; others informed me that they were employing only a small proportion of their normal force, had shut down entirely, or were running only part time on account of general business depression.

At the time this office opened it was estimated that there were from three hundred thousand to five hundred thousand persons in New York City out of work. Very few factories were running full time; a great many were running part time, and a large number were employing only about ten per cent of their normal force. The building trades were practically at a stand-still, and the skilled workmen in these lines were added to the thousands of factory workers who could not find employment. The various federal and state departments collecting statistics on trade, manufacturing and employment declared that business conditions were the worst on record for several years. It was very difficult to secure the co-operation of employers. They informed me that they were turning men away from their doors by hundreds each day. Seldom did they need a man, and when the time came it was necessary only to go to the door to select a capable worker out of the crowd that waited from morn until night at the entrance. When labor was so plentiful it was hardly expected that an

employer would call upon this office for a worker. However, the orders did come. At first they were for men to do heavy work or to help the skilled mechanics. Then orders came for young men to work in wholesale dry-goods houses which were beginning to feel the touch of prosperity in the West, but which had not yet reached New York City. Shops located outside of New York City manufacturing guns, ammunition, rifles, boots and shoes, army clothing, rubber goods, war automobiles and other war material, received large orders from foreign governments and gave employment to thousands of workers. For this reason unemployment was not so severe in many places outside of New York City. Many workers of this city secured positions in these out-of-town factories.

It was not until March that business began to pick up. In this month several concerns in this city received war orders and this office managed to secure several orders for workers from employers. The foremen who did the hiring for many firms were able to get all the men wanted at the factory or workshop door. Many of these foremen were persuaded that the Public Employment Office was a good distributing center and they, therefore, gave it their support. It was in March also that the law prohibiting the employment of aliens on public works was strictly enforced, and during the litigation over this matter hundreds of more or less skilled men secured positions, through this office, as laborers on subway work. It is interesting to note that one man who accepted employment as a laborer was soon promoted to carpenter work, later on was made an assistant foreman and finally became a foreman. In a large number of cases men who accepted employment as laborers afterwards received skilled work whenever the openings occurred. With the coming of spring, work on farms was obtained for many men; others went back to work in the various branches of the building trades. Shops manufacturing machinery, machine parts, automobile parts, tin cans and other sheet metal goods began to run on full time again. Some shops making war supplies hired night shifts, and a few factories had three shifts of men working eight hours each. The office began to fill many positions.

The entrance of Italy into the war not only stopped immigration to this country, but also caused thousands of Italians to return to their native land. Immigration from Europe had fallen off to such an extent that a shortage of common labor resulted. Employers complained that it was hard to obtain Italian, Polish or Slavic workmen. They said that persons born in this country either could not do the work or found it unpleasant. This office was able to supply a number of laborers to these concerns. At this time a number of longshoremen were supplied to one of the dock companies. In the beginning these men were hired for work which at first lasted from one week to a month. But lately the majority of them have been steadily employed. The war has caused such a rush of shipping that sailors and dock workers find it easy to obtain employment.

The Brooklyn branch office is located within five minutes' walk of the Borough Hall subway station, and the surface cars running through Brooklyn and over the Brooklyn bridge pass the office door. These transportation facilities enable the office to make placements all over Greater New York. Naturally the larger portion of the office's work is in the Borough of Brooklyn. Employers, however, in Manhattan and other parts of the city began to make demands on the Bureau. As a result, many persons have been placed in positions outside of the office's immediate territory. In lower Manhattan many placements of office help (men, women and boys) have been made. Many machinists have been sent to positions in Jersey City, and several ship carpenters to work in Hoboken. Many workers are also sent to the Boroughs of Richmond, Bronx and Queens. Farm hands have been sent to points on Long Island, up-state, to New Jersey and to Connecticut. Men who are without homes and have formerly worked as waiters or on ships have been sent to positions as stewards on coastwise or ocean steamships.

Manufacturers of men's shirts and women's wear have made use of the office to some extent, for male and female help, and have even taken learners when they could not obtain experienced women operators. Clothing manufacturers occasionally make use of the Bureau for clerical help or for shipping clerks.

Practically every branch of the metal and machinery industry has made some use of the office. There have been calls for gold, silver and jewelry workers; for smelting and refining workers; for brass, bronze and copper workers, and for workers in machine shops and in foundries. In this industry, more than any other, there have been calls for laborers, for helpers, for semi-skilled workers, for high-grade machinists, tool and die makers and for foremen.

That the Public Employment Bureau performs a needed service is shown by the testimony of employers who recommend others to use it and write letters of thanks to the office. To acquaint manufacturers and the unemployed with this labor exchange will require a continuous campaign of publicity in the coming year.

The results of the Public Employment Bureau in 1915 have fully justified its existence, and a forecast for the year 1916 promises even greater success.

RICHARD A. FLINN,  
*Superintendent.*

**(B) WOMEN'S DEPARTMENT OF BROOKLYN OFFICE**

*To the Director:*

I herewith submit a report of the year's work in the Women's Department of the State Public Employment Bureau in Brooklyn, N. Y.

The big task during the first year of any business, whether it be public or private, is the establishing of public confidence. During this period must be laid at least the beginning of a solid foundation upon which to build up the business. For this reason actual returns are only an index of the work that has been accomplished and do not indicate the solidity of the foundation.

In developing the Women's Department of the State Public Employment Bureau in Brooklyn, the aim has been not to secure a large number of applicants and placements, but to secure results which might be a foundation for larger and better returns in the future. The object of the Bureau is not to fill a lot of low paid jobs, lasting a few days, but rather to place applicants in steady positions and to make them realize that the Bureau can help them

better than they can help themselves by seeking their own jobs through advertisements or house-to-house application.

Like any other new business, the Bureau has been somewhat handicapped in its first year's work. In the first place, when the Bureau opened its doors in January, 1915, not a worker in the office had had any previous experience in employment bureau work. The first year's work has meant the training of a staff in all the intricacies of placement problems. Moreover, the Bureau was handicapped in that it represented a totally new idea to the public mind. Many people did not know what a public employment bureau meant and thought it another relief agency, while others distrusted it, as they do private employment bureaus. The Bureau has been trying to overcome both these prejudices. It was also opened at a time when unemployment was at its worst, when openings were few and far between — at a time when a new bureau could do little more than register the unemployed, inasmuch as it was not an agency to make work but to bring together the worker and the job. Finally, the Bureau has been somewhat handicapped by uncongenial, unattractive quarters, with the same entrance for men and women.

In spite of these handicaps, however, the Women's Department has been able to make some headway during the past year in serving as a labor market. That the Bureau has begun to win the public confidence is shown in several ways. While in its early stages it was called upon chiefly to supply unskilled labor and the lowest grade of help, it is now receiving calls for experienced workers in all lines — restaurant managers, housekeepers, trained nurses, office managers, private secretaries, stenographers (at salaries from \$15 to \$20 a week), designers, etc. The Women's Department during the year has counted among its other good placements several high salaried stenographers (with college and language qualifications), millinery saleswomen, a cook at \$70 a month and maintenance, and an assistant superintendent in a large institution. Employers, in fact, are beginning to give preference to applicants having a Bureau introduction card, and some employers, both in Manhattan and Brooklyn, are getting all their help through the Bureau. Employers are giving their co-operation

not only in using the Bureau, but in referring applicants to it and urging other employers to use it.

A better grade of applicants is making use of the Bureau. The confidence of the applicants in the Bureau is shown by their readiness to refer other applicants to the office, and even to inform us of openings of which they have heard. We feel that the Department has taken a long stride ahead, when both employers and workers are co-operating with us to develop the work.

This confidence has been brought about in several ways. The Bureau has made every effort to send the right applicant to each position. To ascertain the fitness of the office workers, a simple test has been introduced. All workers are questioned very closely as to their experience and ability. In this way we have been trying to send the employer the kind of help he wants. On the other hand, we have often been able to get the applicant a better job than she could have found for herself, and more quickly. The policy is to treat the applicant as an individual, each getting individual attention, and not being handled as a "job lot." We feel that our task is one of placing applicants rather than filling positions. To succeed, a bureau must have the confidence of wage-earners as well as employers.

The work of the Bureau when it first opened in January, 1915, was poor and discouraging, so far as actual placements were concerned, but there was at least one good feature, namely, that we were introduced to a large number of wage-earners, if not to employers. While we could often offer only sympathy and a smile, yet we could at least secure their confidence, as shown by the fact that many have come back to us later and sent their friends. Even though we could not at first secure positions for them, we were able, often, to direct women and girls, who had been in trades seriously affected by the war, into other lines where their past experience might be of some use. Moreover, the interview at the Bureau was often a relief to some of these discouraged women, for then they felt that the state was trying to do something to help them.

But as times began to prosper, as industrial and financial conditions began to readjust themselves, the work of the Women's Department began to grow and the need for such a bureau became

apparent. The figures for the Women's Department show a steady growth of placements. The Bureau is becoming recognized as a labor market for the rank and file of wage-earners, from the errand girl to private secretary, dishwasher to restaurant manager, day-worker to housekeeper, apprentice to designer, learner to forewoman. But mere placements do not represent the only work of the Bureau. For the last few weeks employers on all sides have been crying aloud about the scarcity of labor. In the midst of this a woman who had been idle for two months came to the Bureau. A position was secured for her immediately. Later it was learned that she had been fully prepared to commit suicide if she had not found work at that time. The statistical report of the Bureau will in this instance show only one more position filled. It will not tell of the saving to the state of a capable, able-bodied wage-earner.

The Department also has to undertake a certain amount of vocational guidance work. The Board of Health is directing all girls, as soon as they receive their working papers, to the Bureau. The Department is also co-operating with the public day and evening schools, with vocational guidance associations, settlements and other social organizations.

It has also had a problem in directing and advising older women who have re-entered industry or who have been declared "too old" for their former jobs. In many cases it has required great tact and ingenuity to get them settled.

When we consider our responsibility for these young girls and older women, in choosing their careers, or at least in directing them, the need is apparent for an office force large enough so that each applicant may be carefully interviewed and so that there may be opportunity for visiting and knowing the places of employment to which we direct them.

The year's work has pointed out some possibilities of expansion.

1. The need for a nurses' registry in the Bureau. While this work is highly skilled and well paid, it is casual and irregular. Such a registry should handle both private cases and hospital work. The Bureau has already been able to place applicants in

this field, but we ought to have the means for expanding this line.

2. Need for one person devoting all her time to juveniles under sixteen years of age. Children ought not to be merged with the men and women, as they need special attention.

3. Larger opportunity for soliciting and visiting among employers, to secure orders, to get a better understanding of the process of work and conditions of employment. Only with first hand knowledge of industrial conditions can the Bureau handle the labor market intelligently. We owe it to the employer to select the right applicant, and this we do after a personal interview with the worker. Likewise, we have a similar obligation to the worker to select the right job for him by interviewing the employer and finding out the conditions of employment.

4. Need for closer co-operation with other bureaus (whether public or private) which do not charge a fee.

LOUISE C. ODENCRANTZ,  
*Superintendent, Women's Department.*

**(C) SYRACUSE OFFICE**

*To the Director:*

I beg to submit herewith a general report of the Syracuse branch office, from its opening on January 25, 1915, until this time.

The purpose of this report is to show the scope, opportunities for service and problems confronting a normal and healthy public employment bureau, together with its general history. No statistical information is given, as a full statistical report will be found elsewhere.

This Bureau was opened at a time when the unemployment situation was at its worst. Thousands of able-bodied, reliable workers, both skilled and unskilled, were walking the streets in a vain search for work. Mills were shut down entirely, or employing only a minimum force of workers. A Mayor's Committee on Unemployment was endeavoring to cope with the situation, or at least to alleviate conditions, but because of lack of

funds and incomplete organization, etc., was unable to accomplish much in a tangible way. Public interest was aroused. The panhandler and the habitual down-and-outer were reaping the benefits. Relief agencies were overtaxed, and indiscriminate charity was working havoc. Good workers did not want charity, but the opportunity to work. The panhandler did not want work, but charity. Consequently, the efforts to meet the situation defeated themselves.

Under these conditions the opening of the State Employment Bureau was looked upon as a panacea. The public seemed at first to think the Bureau had power to create jobs; that these were kept pigeon-holed and all that was necessary was to hand them out. Offices had been rented and equipped on the sixth floor of the Cahill Building, on South Salina Street. The Mayor's Committee had been using these offices, by permission, for a couple of weeks previous to the opening of the Bureau. The location was central and well known, and when the state assumed control, the office was literally deluged with a flood of applicants. The clerk retained by the Mayor's Committee was loaned to assist the Superintendent of the State Bureau. At the end of a week a woman's department was organized and a woman assistant employed. The rush of applicants and the work of organizing this department proved too severe a task, however, and in two weeks the woman assistant resigned, completely broken down in health. During this period the Superintendent was able to secure the services of several volunteer workers who were looking forward to taking the examination for assistant superintendent. Some of these workers are now permanently appointed. About this time the city of Syracuse took over the work of the Mayor's Committee and continued its clerk on a salary, giving him the title of "Superintendent of Employment and Planting." He was assigned to the Department of Charities and detailed for work in the state employment office whenever not employed in the work of supervising the planting of vacant lots which were solicited and assigned to needy families by the Department of Charities. On March 22d, a woman was provisionally appointed to take charge of the women's department, which up to this time had been conducted by the Superintendent and volunteer assistants. By the

15th of April suitable assistants had been trained, selected and appointed for the work.

The period from the opening of the Bureau up to this time may be called the formation period. The offices on the sixth floor of the Cahill Building were found to be too inaccessible, and another location on West Onondaga Street was secured. Here the noise from the railroad and factory overhead made this situation impossible. On June 1, the offices moved to 120 West Jefferson Street. The present location is admirably adapted for the work, the only objection being that the offices are on the second floor.

During the entire first year the office has been struggling against false impressions and misconceptions. In the first place, being a public bureau, it had to face the impression that it was a charitable institution. All the unemployable of the city flocked to the office for relief. One good woman called up and offered to provide a limited number of meals for people recommended as most needy. Others sent offers of cast-off clothing, etc. It was only by vigorous advertising and constant talking that the office has been able to shake off these misconceptions. Public addresses before clubs and various other organizations have been of great value in getting the Bureau before the public in its proper light.

Another misconception has been that the office was handling only unskilled workers and farm hands. It has been a hard, uphill course to get employers to realize that the office is able to supply them with clerical, professional and highly skilled employees. In the early months the wages offered in many instances would not appeal to the better class of workers. In fact, the women's department was compelled to state that it could not fill some of the orders because of the wages offered. Good service rendered has gradually overcome this prejudice until at the present time the office is getting more calls for highly skilled workers than it can fill. Several firms have been brought to the point of giving the Bureau the opportunity to fill all openings of every kind in their plants.

Syracuse has a population of about 138,000. It is located in the heart of a rich agricultural region, and is a center from which trolley and steam lines radiate in every direction. This makes it an ideal city in which to locate a public employment bureau.

Its leading industries are steel mills, gear, typewriter and automobile factories, and the manufacture of chemicals. This city is growing rapidly and developing commercially, thus giving employment to a large number of widely varied type of workers. Many of these large corporations, however, have well equipped and long established employment bureaus of their own. The men in charge of these bureaus have sometimes been loath to use the state office, except in cases where it was impossible for them to get the kind of workers they were looking for at their doors. Very often, however, the office has been able closely to co-operate with these employment men to mutual advantage. It has been very hard to convince the employing public in general of the social and economic waste of hiring at the door.

The calls for farm hands and domestics have exceeded all other calls. Many excellent paying positions frequently go unfilled in these occupations for lack of applicants. One of the disadvantages of farm work is that it is seasonal, many farmers hiring for eight or nine months only. By co-operation with the local Farm Bureau and by speaking before various grange organizations, the use of the Bureau has been extended very widely. The farm bureau and the grange should encourage farmers to hire by the year, using the winter months for repairs of farm machinery, barn alterations, etc. Farm owners should be more willing to take inexperienced help at a reasonable wage and teach them farming. Farmers have been encouraged to come to the office and select farm hands, notifying the office in advance of their coming. Our experience, however, has been that the farm hands selected by the office force and sent out have been more satisfactory than those hired at the office by the farmer himself. The office attempted to set aside one day as "Farm Day," but found this unsatisfactory.

There is always a dearth of good houseworkers. The Syracuse office has filled positions paying from five to ten dollars per week and maintenance. If housewives would systematize the work and regulate the hours of domestics, giving them some of the liberty enjoyed by clerks and stenographers, it would go a long way toward solving this problem.

The Syracuse office was the first to take up the placing of teachers. The office found this field already occupied, and took up the work so late in the season that no fair estimate of the possibilities can be given. However, the average wage of teachers throughout the state is so small and the necessity of a teachers' bureau so apparent, that it would seem as though the State Employment Bureau could be of inestimable value to this profession. To make this phase of the work most successful, designation should be made of the State Employment Bureaus throughout the state as official teachers' agencies. This would require one or more persons in each office, with knowledge of teaching or experience in placing teachers, who would devote their time exclusively to this work. In fact, the policy of specialization in this office has proven very satisfactory. Each assistant has charge of the registering and placing of such applicants as experience and training have fitted him for. We have separate desks in both the men's and women's departments for skilled and unskilled workers.

One of the most vital elements in the success of a public employment bureau is a favorable attitude on the part of the press. Too much cannot be said of the good work of the local newspapers. At all times they have been favorable, willing and glad to give space to the work of the Bureau. Much of the success of the local office is attributable to this favorable attitude. Another factor which has been of great help has been the personal acquaintance of the Superintendent and assistants with a large number of local employers. In every case where possible this has been utilized. The co-operation of the city authorities and the friendly and interested attitude of the Mayor have been of great value.

The number of workers in the Syracuse office at the present time is seven — a Superintendent, four assistant superintendents, a stenographer and a laborer. Each of the assistant superintendents has charge of a department, two in the men's and two in the women's. The stenographer is also the bookkeeper, record clerk and switchboard operator. The laborer keeps the office clean, acting as janitor. The office needs at present a clerk familiar with the Italian, Polish and Slavic languages, and will soon need a filing clerk.

Summing up the work of the year, the phase which I believe to be of most value to our community is that the Bureau has not only become quite extensively a place where employers can list their wants and where employees can register and be brought into touch with prospective openings — but also a bureau of vocational counsel and advice. Many young people have been started right industrially and many men of families have been kept employed more regularly than previously. Further, we have been able to dovetail workers in industries to a certain extent. For instance, scores of farm hands and lake sailors, who under ordinary circumstances return to the cities in the fall and winter, have been sent into lumber and construction camps. This office has been of great value to the farming interests of this section in the haying and harvesting seasons. In the placing of skilled mechanics and common laborers we have rendered good service.

It is evident that the Bureau has made rapid progress during the first year of its existence, and is more and more proving its usefulness and value to the community in which it is located.

WILBUR T. CLEMENS,  
*Superintendent.*

(D) ROCHESTER OFFICE

*To the Director:*

I respectfully submit the following report of the first year's work of the Rochester office of the State Public Employment Bureau.

Although Rochester is a progressive city, ready to seize any measure that is designed for its betterment, certain prejudices had to be overcome when the Public Employment Bureau was opened. The workers regarded it as a mecca for the "down and outs;" the employers considered it a political scheme to create jobs for henchmen, and the general public thought it a charitable measure to provide relief for the unfortunates. When it was found that it was a business proposition, designed to furnish capable men and women for any conceivable occupation, the skilled workers quickly forgot to mention their apologies for coming to such a place and the employers soon found it a clearing house through

which they might secure the best workers. Likewise the general public, thanks to the splendid co-operation of the newspapers of the city, now appreciate it as one of those great social service organizations of the government which, like the public schools and the public library, is so impartially managed that any man or woman regardless of race, creed or condition obtains a "square deal."

It has been of value to the employer in saving him the expense, delay and annoyance of securing his help through the old round-about methods. To illustrate, a manager of a large business office asked us this question, "Do you happen to have a correspondent, a high class office man who has had experience in handling a large mail, and who possesses executive ability to manage a department?" He was informed that the office had a number of such applications and readily found a man who reported for duty next morning. Such prompt service would have been impossible under any other arrangement than a public employment bureau.

At the outset the greatest problem was the selection of an office staff, capable of handling the problem. It was a difficult proposition. A man or woman might be splendidly qualified to fill a position in almost any other line, yet lack the essential requirements for a public employment bureau agent. Yet, as a result of a civil service examination, a force was secured which, though far too small in numbers, possesses tact, general experience, education and enthusiasm to such a degree that it is not a matter of time requirements, but of possibility of accomplishing things regardless of hours of service.

It was also necessary to persuade the employers into the habit of using the office. Too often was the remark made, at first, "I forgot all about you." We were required to persistently "follow up prospects" until we had convinced them of the value of the Bureau. In the Spring most of the large companies were personally visited by a representative of the office. At first the common objection was that the office would not have "any applicants in our line." After a concern had accepted the invitation to give us a trial, it was found that few had failed to continue as customers. At the present time over 3,000 employers are patronizing the office. Calls have been received for almost every occupation

of man or woman from highly skilled professional workers to a pallbearer. Positions have been offered which paid as high as \$2,000 a year.

Rochester is known as a "city of varied industries," hence it forms a fruitful field for a public employment office. It is one of the leading cities in the United States in the manufacture of men's clothing. There are 106 clothing factories, employing over 10,000 workers. In spite of the fact that the clothing association maintains an efficient employment department, patronized by practically all shops in the trade, the Public Employment Office has had heavy demands for skilled workers and apprentices, both male and female, from this trade.

The machine shops everywhere have been unusually busy during the past year, consequently the call for machinists has far exceeded the supply. The office has supplied men not only for local shops but also for factories throughout this section and even as far as Olean and Niagara Falls.

Agriculture is the greatest industry of this section. Monroe is one of the three leading counties in the United States in the raising of farm products. The farmer has made greater use of the office than any other class of employers. During the first eleven months the Rochester office had calls for over 1,500 agricultural workers, including farm hands, fruit pickers, gardeners and packers. As far as reports have been received, over one thousand of these positions have been filled by the office.

Many problems have confronted the staff in developing the office. It was necessary to secure the confidence of the employer. This necessitated unusual care in analyzing and selecting applicants for positions offered. That this careful selection brought its rewards is proven by the frequently made statements on the part of employers that "You know the type of person I desire."

Another situation that had to be tactfully met was the tendency on the part of employers to call for more people than they had positions to fill. Such a condition, if allowed to continue, would, in the course of time, have caused the loss of considerable money in carfare to the workers who could ill afford to spend it. When the matter was explained to them in the right light, many employ-

ers readily agreed to state their exact requirements, both as to numbers and special qualifications desired.

The Public Employment Bureau was primarily designed to reduce unemployment. In keeping with this principle, the staff of the Rochester office has been constantly studying the problem to devise means of reducing the number of unemployed. It was found that many of the men out of work, who congregate in the cities during the winter months, were farm hands whose contract of service had expired, consequently we adopted the plan of urging farmers to hire their men by the year instead of the month. The men were ready to work at greatly reduced rates for the winter months. Thus the farmer was able to secure better and steadier help than heretofore and the man was assured of regular employment at least until the next season opened. This plan will be followed to even a greater extent next spring.

In many industries there are special conditions which involve employment of extra help for a few weeks or months. During the past year this was especially true of the metal trades. In such cases the men or women were instructed to report to this office immediately upon the completion of one job, when in many cases they were at once sent to other jobs. Thus the Employment Bureau acts as a clearing house for labor. It is the only agency which can perform this service.

The men's department has found the most serious problem to be that of transportation. In many cases where men were sent to out-of-town jobs, the employer paid the railroad fare, but, frequently, when the employer refused to advance the price of a ticket, an industrious man might lose the opportunity of securing a good job through lack of the necessary funds. Provision ought to be made for the transportation of unemployed men at reduced rates.

It has also been found that a good man, after a long period of unemployment, will become shabby in appearance, thus losing the opportunity to obtain good positions. The average employer, confronted by a number of men, some more prosperous than others, hasn't time to listen to each man's story. Frequently, employees of this office have discovered "diamonds in the rough" among such men.

By experience it has been learned that a telephone conversation with a prospective employer, explaining conditions frankly and fully, will obtain an applicant a job.

In the women's department more serious problems were presented. A smaller percentage of women than of men read the newspapers. Hence it was necessary to adopt other means than publicity and advertising to get good women to come to the office. The co-operation of women's organizations, the Y. W. C. A., the churches and clubs was enlisted with the result that employers report that they are securing a higher class of female workers through the Public Employment Bureau than through any other source.

Our experience convinces us that the average woman has far less necessity for obtaining steady employment than the man. Even in the case of self-supporting women, the desire for occasional and even frequent "vacations" is strong. Where a man, as a rule, will accept any position he thinks he can fill, the average woman is very particular. She desires to know all the positions open, even though you inform her that she is not competent to fill them. Consequently it has become necessary to carefully examine each female applicant, determine her qualifications, her likes and dislikes, and then offer her one position. By experience the women have found it advisable to take the position offered.

The women's department has registered a long list of capable laundresses, so that the housewives now recognize the services of our office in this line.

The domestic offers the most perplexing problem of the work. Not only is the demand far in excess of the supply, but the requirements of housewives are so strict and the desires of the applicant so peculiar that it is difficult to obtain a fair ratio of positions filled.

In most cases the needs of the home are so urgent that the housewife will adopt all possible means of obtaining help. Frequently positions will be filled before the office has had an opportunity to refer an applicant. This has resulted in loss of time, carfare and respect for the Bureau on the part of the domestic herself. Consequently, a housewife on placing an order with us

is asked to notify the office immediately if she secures help elsewhere and also pay the carfare of applicants interviewed.

The office first occupied two small rooms on the sixth floor of an office building. Four weeks later a ground floor store was secured which provided over three times as much space. It was thought that these quarters would be sufficient for some time to come, but our branch has grown so fast that now, less than ten months later, the present location is much too small to adequately take care of the business.

The Rochester office should be located in a large well-lighted ground floor store, preferably on a corner in a good section. Ventilation should be one of the primary requisites. Separate departments should be provided for the following: (1) skilled men; (2) farm hands; (3) unskilled men; (4) factory and office women; (5) domestics and hotel women; (6) juveniles; (7) order department; (8) executive offices. At least 4,000 square feet are needed.

The office force is much too small properly to handle the work. So great has been the rush of business that it has been found practically impossible to register applicants except such as are needed to fill jobs on hand. At this time there are five members of the local staff with duties as follows:

(1) Superintendent: (a) general supervision of office, (b) preparation of publicity and advertising, (c) assist in women's department, (d) visit employers, (e) miscellaneous, including attending and speaking at meetings, receiving employers, etc.

(2) First assistant superintendent — female: (a) supervision of women's department, (b) registering and referring most of female applicants, (c) visiting employers, (d) filing records, (e) assist in general office work, (f) taking part of orders.

(3 and 4) Second and third assistant superintendents — male: (a) general supervision of men's department, (b) registering and referring all men, (c) taking some orders, (d) filing records, men's department, (e) preparation of daily report.

(5) Stenographer — female: (a) stenographic work, (b) care of ledger and correspondence files, (c) answer telephones.

There should be at least four additional clerks, so that work could be arranged as follows:

(1) Superintendent: (a) general supervision, (b) prepare publicity and advertising, (c) visit employers, (d) assist in any department only in case of special rush.

(2) Assistant superintendent — female: (a) supervision, women's department; (b) register female office and factory workers, (c) visit employers.

(3) Assistant superintendent — male: (a) supervision of men's department, (b) register and refer general applicants except those hereafter mentioned, (c) visit factories, etc., primarily to learn about trades and occupations.

(4) Assistant superintendent — male: (a) assistant in men's department, (b) register and refer applicants for metal, clothing and leather trades, (c) file records in men's department, (d) prepare male department daily report, (e) visit employers.

(5) Assistant superintendent — male: (a) register, refer and take all orders for agricultural workers.

(6) Assistant superintendent — female: (a) assist in women's department, (b) register and refer all domestics and hotel help, (c) file records in women's department, (d) prepare female department daily report.

(7) Stenographer; (a) stenographic work, (b) care of ledger and correspondence files, (c) answer telephones.

(8) Juvenile supervisor — female: (a) charge of department for juveniles, (b) register and refer all juveniles, (c) file records. This clerk should be familiar with vocational guidance plans and able to co-operate with educational authorities; preferably a teacher or one who has had experience in handling children.

(9) Messenger: (a) do general cleaning, (b) look after supplies, (c) go for applicants needed in emergency.

This office has endeavored to co-operate with other offices and such organizations and individuals as are interested in the problem. The experience of the past year has unquestionably shown

the need of a state system of intercommunicating employment offices. Frequently requests have been received for highly skilled workers whom it was often impossible to obtain locally. Employers have recognized this feature of the Bureau and often ask the Bureau to communicate with other branches.

A short time ago a call was received by long distance telephone for a textile operator of certain skill. The employer asked us to communicate with Buffalo where men of this class might be found. At his expense we telegraphed Buffalo and found a man who reported to Rochester, and who was at work the second morning after the order was received.

In another case an order was given for a private secretary with mechanical experience and stenographic training, at a salary of \$35 a week. Notice was sent to all branches. Within a short time 32 applications of qualified men had been received at our office.

A local minister received a letter from a Brooklyn plumber who desired to locate in Rochester. The clergyman asked us if we could obtain employment for him. He was advised not to come to Rochester as we already had plumbers for whom we were unable to find work.

The labor unions have approved the work of the local office. In many cases the business agents keep in close touch with us, so that if we have a position open for a union man we can easily obtain one by telephoning the union headquarters. Furthermore, the office has been able to place union men in factories which were not in the habit of calling on the business agent.

The Y. W. C. A. furnishes rooms to girls. In this connection the secretary often comes in contact with unemployed women whom she refers to us. We have secured and placed many good applicants in this manner.

The general sentiment in Rochester is very favorable to the Public Employment Bureau. It is endorsed by the clergy, social workers, business men and citizens in general.

Parents and teachers are gradually coming to realize that the Public Employment Bureau is a source of accurate information regarding opportunities in different occupations. As a result, the members of the staff are frequently consulted by boys and

girls who are trying to decide on their future occupations. Hence, the one phase of the Bureau which is going to be of greatest value to the community is vocational direction.

Two meetings of members of the graduating classes were recently held by the city education department; one for boys and the other for girls. At both sessions a representative of this office was invited to address the children regarding the different vocations. When the meeting for boys opened it was found that over thirty of the fifty or more boys present desired to leave school and go to work. After the Employment Bureau official had explained the value of education and opportunities for technically trained men, it was found that only five desired to go to work. This illustrates the constructive value of the Employment Bureau.

HARRY C. TAYLOR,  
*Superintendent.*

(E) BUFFALO OFFICE

*To the Director:*

I respectfully submit the following report of the work up to date of the Buffalo branch of the Bureau of Employment:

The Buffalo branch of the State Public Employment Bureau is gradually becoming an important factor among the public institutions of the city. This is evidenced by the fact that such organizations as the Chamber of Commerce, Y. M. C. A., Y. W. C. A., Charity Organization Society and churches of the city recognize it to be a clearing house for the unemployed and refer applicants to the Bureau. Also by the fact that the office has shown a gradual increase in business.

While there are some industries in Buffalo employing highly skilled and proficient workers, by far the greater number of employers use principally unskilled and semi-skilled labor. It naturally follows that most of the applicants to the Bureau are of the same class, although the office has been able to secure positions for a great many skilled men.

A manufacturing chemist was in need of a first-class salesman, and failing to get one through the newspapers, applied at the Employment Office and was immediately put in touch with a

man, who has since proven satisfactory, and receives a salary of \$135 per month and expenses. This is one instance of the value of a Public Employment Bureau in connecting the man with the position. Another is the fact that it is a daily occurrence to have an employer call for a man of certain qualifications, and to have an applicant who will exactly fill the bill apply for work at the same time.

In the women's department there is always a great demand for domestics. In fact, far greater than the supply, and almost any applicant trained in general housework is sure to be placed in a respectable family at good wages, without the usual fee charged by private bureaus.

It has been a great help to some of the firms who called on us for typists to help in their advertising department, during rush seasons, to be furnished with workers on very short notice.

Hotels and restaurants, both in and out of city, have been supplied with help, and invariably have been satisfied with the service.

Quite a few of the manufacturing concerns in the city have secured office help — stenographers, bookkeepers, cashiers, telephone operators, etc., and factories, too, find the office an accommodation.

The Bureau helps employers in selecting suitable applicants for positions. As an example, a personal visit was made to a hotel manager to explain the work of the Bureau. During the visit, he said he was in need of a young boy to attend the switchboard and do other clerical work, but found it very difficult to keep a boy on the job. After learning the details of the position, the visitor suggested a girl for the place, to which the manager agreed, and that same afternoon the Bureau sent an applicant who started to work the following morning. The applicant reported that she is well pleased with the position, and the employer is now one of our steady clients.

The Bureau not only helps the business people, but also the housewife to secure good, competent help by assuming the responsibility of supplying them.

The office is constantly in touch with the public schools, striving to be of service to the boy and girl when leaving school, by

ascertaining their characteristics and helping them to choose a calling for which they are fitted.

One of the most interesting features of the work during 1915 was securing the release on parole of several inmates of state corrective institutions, and securing positions for them. Only after explaining fully to the prospective employer all the facts in connection with the past history of the subjects are they sent to a position. It is a source of gratification to know that at the time of this writing they are making good.

While most of the business done is in the City of Buffalo, the office aims to extend its service to all the counties west of Rochester. Already Niagara Falls, Dunkirk and Olean have called for help and the Bureau has been able to send men who were subsequently employed.

Beginning about in April, farmhands were sent out in great numbers. The farmers find it convenient to telephone or write their orders, which are given prompt attention. Especially was this true during the fruit harvest season in Niagara County, when fruit pickers were needed in great numbers and quickly.

While the office is well located, being within two blocks of Main street, Buffalo is so large in area that a branch in the Polish section, and one in the Black Rock section, are necessary properly to serve the whole city.

G. P. BERNER,  
*Superintendent.*

(F) ALBANY OFFICE

*To the Director:*

Allow me to submit the following report of the work of the Albany branch of the Bureau of Employment up to this date.

The conditions of the employment market in the vicinity of the Albany office are perhaps different from those of most other cities in the state. Albany, primarily a professional and residential city of 120,000, is the center of an industrial district of 350,000 people. As a capital city, it houses all the state departments with all their clerical help. It is also a railroad city. There are the main offices of two railroads, and in nearby cities are their repair shops. It surpasses all the nearby cities in professional, clerical

and financial business, but falls far below in manufacturing. Printing, collars and shirts and railroad repairs are the principal industries.

Just across the river is the city of Rensselaer, with 12,000 people. The main industries are locomotive repairs, a woolen mill and a chemical and dye company. Watervliet, a small city of about 15,000, is practically contiguous with Albany, and four miles north. Its main industries are the railroad repair shop of the Delaware and Hudson Railroad Company, and the United States Arsenal; also a malleable iron foundry. Between Watervliet and Troy there is the small village of Green Island, with its numerous plants of metal and machinery industries. Troy, on the opposite side of the river, six miles north of Albany, has about 80,000 people, and is noted for its shirt and collar industries. It also has a large iron plant and two large stove manufactories. Cohoes, which is about eight miles north of Albany, just above Watervliet, is a manufacturing city of 25,000 people, having many large textile mills. Schenectady, northwest of Albany (the city lines about five miles apart), has a population of 85,000, having the plant of the General Electric Company, with its 20,000 employees, and the American Locomotive Works, with about 4,000 employees.

It is clearly seen, therefore, that the immediate section of this office is diverse and much scattered and consists of several units not easily reached. Thus far, we have been able to canvass all the hotels, building contractors, manufacturing, mercantile and office establishments in the city of Albany. We have also been able to make calls in Rensselaer and Watervliet. The other cities, we have only been able to reach by mail and answering advertisements. We have perhaps been useful mostly to the metal and machinery manufacturers, shirt and collar industry, and hotel and restaurant business. The reason we have been called upon to furnish help to this first mentioned industry is because of the shortage of that special kind of help at present. In the shirt and collar industry, the same reason prevails. In one instance a manufacturer called us up, asking for some experienced female help on shirts. We asked if he was going to advertise and he stated he would not, as too much "riff-raff" answered his advertise-

ments. The next morning we were able to furnish him the necessary help, which he later informed us was very satisfactory and the best he had been able to engage for some time. We were able to furnish considerable help to the D. & H. R. R. Co. for their repair shops at Watervliet. It has been our experience that very large plants will not use the Bureau, except in emergencies. Nearly all maintain an employment bureau with a man in charge at all times who hires for all departments.

In our visits to employers we have had but three cases where an employer would not co-operate with this Bureau in any way. Most all appreciate the call and promise to make use of our services. It has so happened during the last year that on account of business depression, many of the local firms were laying off or running short time, so many orders were not received on our calls. However, in such cases, we always requested the employer to send us all the employees he happens to lay off or any applicants for help that might apply at his office; in other words, we inform him that our office can furnish any help they may want or can use any good reliable help that they may lay off.

We have had the co-operation of the Albany Chamber of Commerce, Society of Associated Charities, Y. M. C. A., Y. W. C. A., and the employment bureau of the Department of Agriculture. We have also learned from experience that whenever we come in touch with a public official or a prominent citizen, we have received more requests to find jobs for their friends than requests to furnish help. We are on friendly terms with all the labor unions. We have not been as successful in the building trades as we would have wished, on account of being unable to educate contractors up to the fact that we can furnish them with union help of all kinds. However, we are making headway on this phase of our work.

It seems from the above mentioned facts that we have not covered our immediate territory as much as would be desired. Our present force consists of the Superintendent, two assistants, and a file and stenographic clerk — four in all. In order to canvass thoroughly the cities of Troy and Schenectady, it would be necessary for someone to take a whole day off and that has not been possible. A short trip to the various parts of the city of Albany

or Rensselaer or Watervliet could be easily made in a couple of hours or a half day, but such time cannot be taken up for that work but once or twice a week. We have found it always necessary that the whole force be here during the morning each day, and when one is absent on account of vacation or sickness, the immediate office work piles up. Therefore, in order that we cover our territory thoroughly and so serve the public best, it seems that a male assistant is needed in this office. Each member of the office force has his or her daily work to perform. However, at times all have been called on to do the work of other departments of the office than their own. In this way, the force has become experienced in all the branches of the employment office work, and the work has gone on without interruption or delay when one or more of the office force has been absent.

Perhaps the Farm Labor Bureau of the Department of Agriculture has been of the most help to us. We have had a great many requests from them for farm hands, while, on the other hand, they have sent us good applicants that we were very glad to get.

We have used three methods in handling help for farmers. In some instances, the farmer calls at this office and picks out his help from those present, taking the help along with him to his farm. Sometimes he writes or telephones and arranges for an interview with several applicants at some future date. In such cases, we endeavor to find out exactly what the farmer wants and the conditions of the work. In that way, we are able to have two or three applicants ready for the interview. The third way is — the farmer writes for help. He is at some distance from the office and is unable to come in. Usually, his letter does not give all the information, and we must write for details as to nationality, age and experience of man wanted, size of farm, number of cows, etc., and whether he will pay transportation. If so, we suggest that he send a ticket. We prefer a ticket, for then we are not troubled with handling cash. After getting a full description of the help wanted and other details, we immediately endeavor to select a man who will fit the job. We have often found it difficult to make the right choice, but feel that in most instances we picked good reliable men who "made good" and proved satis-

factory to the farmer. The second method is preferable, since then the farmer and the farm hand meet each other and all details can be settled.

We believe that our office has succeeded in cutting down the business of the private agencies in this city. One office has gone out of business, and a woman who ran an exclusive private agency was not doing any business and requested information as to her chance for a position with this Bureau. Applicants report to us that there are no places available of any kind at the private agencies, and employers also come to us saying that they cannot get satisfactory help from these same offices.

We have endeavored to protect our applicants and prevent their accepting work in undesirable places. Recently, we had a call for help from a road house which did not appear to us to be a good place. On inquiry at police headquarters, we found that the name of the place was not good. We excused ourselves to the employer by saying we could not find any help to go to his place.

In several instances, we endeavored to prepare for future demands for certain kinds of labor. During the late spring, we addressed a letter to all the prominent hotels and boarding houses in the Adirondack and Catskill sections, stating we would be able to furnish them with any help they might need when the season opened about the middle of June. In the same way, we addressed letters to the hop growers throughout the Schoharie hop growing district. During the early fall, we learned from two manufacturing plants that they would need in the near future machinists and machine hands. We were able to get in touch with a great many of our machinists (although most of them were at work) and machine hands, and so have been able partially to meet the demands of these two shops. Just previous to the holiday season, we visited or addressed a letter to all the large stores, stating that we would be able to furnish them with needed help during their rush season. In this instance also we made many satisfactory placements. Just recently, we visited, telephoned or wrote all the ice dealers in the immediate vicinity of Albany, stating we could supply them with harwesters. We have been successful in receiving several orders already for this class of help. In fact, in all of the above cases we obtained results.

The work of the women's department has gradually increased, particularly the calls for help, until now there is always on hand a greater number of openings than applicants. Albany is noted for its shortage of female help of all kinds. This is true in domestic help and factory hands. As yet, we have not succeeded in inducing any housekeepers to take on male help. On the other hand, we have not found very many men who are desirable for or experienced in that kind of work. We have been successful in bringing factory hands from other cities to work in plants in Albany, and have practically satisfied all demands for this class of help. If we can successfully fill the future needs of Albany manufacturers as to female factory help, we will have filled a long-felt want in Albany.

Our office is on the street level, a good corner building, centrally located, and a short block from the main shopping district of the city. We take pride in keeping our rooms neat, clean and in a business-like way. Heat, light and janitor service are furnished and daily our rooms are cleaned and the floors washed. We have chairs in our men's department, which is not the usual thing in other offices. The deportment of the male applicants has been very good. All remove their hats, there is no loud or boisterous talking, no spitting on the floor or smoking, nor do we have any trouble in stopping them from using the office as a lounging place. Each morning and each afternoon, after the openings have been announced, the men leave the office and do not lounge around or read the papers. In our women's room we permit applicants to wait. We have placed a large mahogany reading table in the room on which there is reading material. We have found this table very convenient also for interviews between housekeepers and applicants.

Our service could be improved and work lessened, if telephone extensions were made to the men's registration desk and the women's registration desk. Also, it would be desirable to have a booth. Very often orders that come in over the 'phone are overheard by applicants who sometimes go to the place without being sent by us. Our office being on the street level and at a junction of noisy thoroughfares, we are unable to get messages distinctly

unless the parties on the other end talk quite loudly. Street signs and window lettering are needed.

Oftentimes we are given transportation from employers for help in the form of cash, check or ticket. As stated before, we prefer a ticket. However, in order that there may be no misunderstanding between the employer and this office, we keep a complete record of such transactions and acknowledge the receipt by letter of any ticket, check or cash sent in. Our office records show the name of employer, date received, amount of check, ticket or cash, destination, date used and by whom used. In shipping applicants in such cases, unless they are known personally, we accompany them to the depot, check the baggage, giving the applicant the railroad ticket, and keeping the baggage check, which is mailed to the employer.

The office has been open every day, with the exception of Christmas and New Year's, and we have also had it open Saturday afternoons and Sunday mornings to accommodate employers. From our experience, it seems desirable that the office be kept open a short period, one or two evenings during the week. The reason for this is that many mechanics now engaged at work, other than their own, would find time to come in and register; also, those who are seeking to change their occupation. We find that often an employer will ask, "Where is the man working now?" it appearing that the man at work has a better chance than the man out of a job. Also, oftentimes we are unable to get hold of first-class mechanics and so cannot succeed in filling some good orders. However, this would be a man's work rather than that of any of our women clerks. If there was an extra male clerk, we could try out such a plan. We have also experienced the need of an interpreter of Italian and Polish. We have been able to get along by finding someone among the applicants who could speak one of the languages. If we, however, had an interpreter, we could gain the confidence of and register many applicants of these nationalities. Italians especially are desirable for street labor and state road work, while the Poles are much in demand for heavy factory labor, foundry workers and machine operators. In several instances where these nationalities have been requested, I have visited the Italian or Polish districts and have induced some

of the people to come to the office. The presence of someone able to speak these languages would have led to much greater success in filling orders.

The full details of how we have carried on the work and how we have succeeded in co-operating with the other offices in the state, would make this report too long. We have been growing in experience and popularity and are making new friends each day. We have the basis on which to build the belief that the coming year will be successful and that we can be of great service to the industries and workers of our district.

DANIEL A. HAUSMANN,  
*Superintendent.*

**Part VII**

**REPORT OF BUREAU OF INDUSTRIES AND  
IMMIGRATION**

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**11**



REPORT OF CHIEF INVESTIGATOR  
(IN CHARGE OF THE BUREAU OF INDUSTRIES AND IMMIGRATION)

*To the Industrial Commission:*

I have the honor to submit the report of the Bureau of Industries and Immigration for the fiscal year ended September 30, 1915.

In order to correct an erroneous impression that has been disseminated and accepted by those unfamiliar with either the four previous annual reports of the Bureau or with the scope of its work, it is desirable to state that *the activities, as provided in the statute, concern chiefly the welfare of the alien population now resident within the state, and the problem of enhancing the social and economic value of these alien communities to the state.*

The Bureau of Industries and Immigration is not invested with jurisdiction over either the admission or exclusion of aliens, but was created by the legislature to *protect, direct and assist* those aliens "arriving and being within the state" and making their permanent residence here *in order that they may become an asset to the state.* The fact cannot be disregarded that the large immigrant population in New York is an important economic factor that if protected becomes an asset, if neglected a liability; and as our native-born children are educated at the expense of the state, so these immigrants, who come to our country with high hopes and pioneer courage, must be educated and trained according to our traditions and directed into our customs and standards of living *for the same economic reasons that these advantages are conferred upon our own minors and illiterates.* Each alien resident, therefore, as he becomes a better producer and consumer, contributes his constantly increasing quota of indirect taxation to the state. In the United States it is conceded that workmen are unit for unit more effective because of the public school system.

New York has an estimated alien population of 3,000,000 which is so closely allied to its industrial, educational, health and social

welfare that the task of regulating the huge problem is a difficult one. In the year 1914 there were admitted to destinations within the state 344,663 immigrants, and during the four preceding years New York received about one-third of the total immigration, or over one-quarter of a million immigrants for permanent residence each year. Although the year 1915 shows a decrease of about 900,000 incoming, the proportion of this number remaining in the state remains the same; the 1915 report of the Commissioner General of Immigration announces 326,700 arrivals, 95,028 of whom indicated New York State to be their intended future residence.

Thus the number of immigrants arriving at the port of New York during this abnormal period of the world war continues to exceed the earlier immigration, and the predominating number of non-English speaking aliens has vastly increased the problems of protection, distribution and assimilation.

Unless the state provides an agency where immigrants may present their complaints when they have been exploited, defrauded or mistreated, our foreign speaking residents are driven into colonies where they are deceived by their own countrymen and where they never hear the English language. Aliens have come to this Bureau for assistance who, after a residence of twenty-seven years in the country, did not understand one word of English, but whose children had been educated in our schools; such foreign-speaking parents naturally retard the Americanization of their children.

Much has been said and is being written about the elimination of the hyphen and the naturalization of the alien, but little attention has been given *by the state* to the preparation of that alien for citizenship. The elimination of the hyphenated American is as certain a guarantee of preparedness to the state as is the maintenance of a regular army.

“How to obtain your first papers” should be taught and understood in the English language. What folly to advocate such instruction to an alien in a foreign tongue! It is a necessity and a duty for the state to assist in the process of the amalgamation of its alien population and to thus accelerate the development of an American type. This can be assisted *by a thorough preparation for naturalization*. The English nation developed a British

type and England did not become a conquering nation on land and sea until she had developed a pure British type. How much more necessary therefore must education and supervision be to a country where the immigration problem reaches the proportions attained not only in the nation but in the State of New York.

If this proposition is a correct one, if the United States expects to move until it develops an American type, then exclusion should be enforced as long as the accession of the alien born exceeds the native born, otherwise we are clearly moving away from an American type and increasing the national problem of a heterogeneous population. At present we find that less than 50 per cent of our alien population who have been in the country over ten years are naturalized; and only about 35 per cent of those who are here under ten years.

The Bureau has co-operated with all Federal, state and municipal departments, *and is doing work ranking second in importance to none in this state.* This work has increased 600 per cent in the five years of its existence, and it may be considered the clearing house for information to immigrants in the country at large. During the past year requests for advice and information were received from every state in the Union except four.

The present staff consists of nine investigators speaking eighteen languages and various dialects, *an entirely inadequate equipment to handle this great problem, bound up in which is the consideration of practically every important question with which the state is confronted* and including enormous possibilities for good or evil, for economic gain or loss within the next decade. The economic value of an illiterate, unskilled alien laborer to the state has been estimated to be \$100 per year; to a literate alien \$100 additional value is conceded; and this value increases as his producing and consuming powers are enlarged and decreases as he becomes an unemployed or unemployable factor in our economic system.

Who can doubt, therefore, the wisdom of a state policy that seeks to increase the earning capacity, efficiency, patriotism and economic value of its alien population, when to neglect this problem means added dependency, unemployment, a drifting, incompetent contribution to posterity and an extra financial burden on the

state. Can any more forcible argument be propounded in favor of a state supervision of its immigrant population?

At the present time our industries could not be carried on without the immigrant laborer. He predominates in steel industries, subways, tunnels and highways; in fact, the immigrant does practically all of the common work of the nation. In high power industries the alien laborer receives five times the amount per day that he would be paid in Europe; hence there is an additional reason for educating him into an appreciation of the advantages of a higher standard of living. The civilization of a republic does not necessarily rely on the perennial exploitation of helplessness.

The swindling activities directed against immigrants extend in a descending scale from great corporations to ex-convict petty larceny thieves who skulk about the Barge Office seeking to steal a dime; and from the bogus doctor, with a string of offices and an income of \$45,000 a month, collected through an organized gang of foreign-speaking "assistants," to the labor agent, who charges a \$25 fee and ships him to some distant point where there is no work, and from where he must walk back from 20 to 100 miles or starve.

#### GENERAL SURVEY

The fact that immigration has decreased 75 per cent in the year 1915 has not been apparent in the operation of the Bureau, and is only noticeable in our statistics by a slight decrease in the number of complaints received, which was 4,601 in 1915 as against 6,053 in 1914. This unimportant reduction, however, provided an opportunity to more adequately cover the work of investigation, which has increased from 6,551 cases in 1914 to 7,528 in 1915. Of complaints, 2,357 involved violations of law and 2,244 required advice and information. Of the 7,528 inspections, 2,160 were case work, 325 re-investigations, immigrant lodging places 1,424, docks and ferries 1,270, labor camps 824, steamship ticket agencies 424, railroad terminals 336, employment agencies 271, immigrant homes 271, miscellaneous 145, evening schools for immigrants 56, banks 11, porters 4, interpreters 3, notaries 2, runners 2. Letters written and received numbered 5,828;

office conferences numbered 1,081, and miscellaneous action was taken in 651 cases.

Of the 4,601 complaints received 2,442 cases were amicably settled, 775 referred to public authorities, 988 referred to private agencies, 231 were money settlements involving \$4,747.83 collected for complainants, and 165 cases are still pending.

There were 202 immigrant lodging house licenses issued for which \$1,725 in fees was collected and 2,822 rate cards distributed.

The 824 labor camp inspections involved the living conditions of 37,807 employees, of which 18,697 were aliens. These inspections are classified as follows: canneries, 379; brickyards, 180; highways, 138; railroads, 54; quarries, 47; mines, 10; fertilizers, 6; miscellaneous, 5; barge canal, 3, and aqueducts, 2.

Camp schedules numbering 327 were referred to the State Department of Education with information concerning locations where it was advisable that camp schools should be established, involving the condition of 30,323 aliens of nineteen nationalities, namely, Austrian, American (colored), Croatian, French, Greek, German, Hungarian, Bulgarian, Italian, Irish, Polish, Portuguese, Russian, Roumanian, Slav, Syrian, Spanish, Servian and Turkish.

**COMPARATIVE NUMBER OF EMPLOYEES AND ALIENS OF THE 824 LABOR CAMPS INVESTIGATED**

	Number of camps	Greatest number of employees	Number of aliens	Percentage of aliens
Aqueducts.....	2	1,895	810	43
Highways.....	138	7,534	4,614	61
Mines and quarries.....	57	6,508	3,860	60
Canneries.....	379	8,547	3,701	43
Brickyards.....	180	10,709	4,122	38
Barge canal.....	3	322	64	19
Railroads.....	54	1,074	739	68
Fertiliser plants.....	6	1,895	810	42
Miscellaneous (aluminum, disposal, cold storage and paper mill).....	5	1,040	560	53
<b>Total.....</b>	<b>824</b>	<b>37,983</b>	<b>18,679</b>	<b>50</b>

**RAILROAD TRANSPORTATION**

In the matter of third-class prepaid railroad orders issued abroad and referred to in the 1914 report, it may be stated that the railroad committee of the steamship lines has agreed to discontinue the sale of prepaid third-class railroad orders *to second-class steamship passengers*, thus abolishing, through the efforts of this Bureau, a practice that entailed expense and inconvenience to alien second-class passengers. The methods employed by trans-Atlantic steamship companies in routing railroad passengers holding prepaid orders is to be deplored, and passengers who purchase railroad orders in connection with their steamship tickets through the solicitation and misrepresentation of steamship ticket agents abroad, are still suffering inconvenience and hardship. It is to be hoped that an early adjustment of these matters may correct these evil conditions. The present system of routing passengers who hold prepaid railroad transportation is arranged by "pooling" the railroads, and centralization of control is thus vested in the steamship organizations whose agents violate the rights of passengers by this form of discrimination. The only logical way to correct this abuse is to discontinue the sale of all prepaid railway orders by steamship ticket agents abroad, but even a modification of this arrangement with the pooling system eliminated would accomplish a vast improvement in existing conditions.

The fact that a steamship company sells prepaid railroad transportation to second-class passengers through a commercial agreement with the trunk line railroads, and after arbitrarily routing these passengers abandons them to the mercy of the horde of hotel runners, public porters or other ill-regulated persons who are lying in wait to defraud them, is an unpardonable imposition and injustice to these passengers. The steamship company disclaims any responsibility for the safety of its passenger *after leaving the steamer*, but since it has sold him his railway ticket and arbitrarily decided for him over which road he shall travel, *why should it or the railroad over which he is compelled to travel not assume responsibility for his safe delivery to that railroad and to his train?* A piece of baggage which is prepaid *is delivered to the railroad and to the train*. There is every reason to demand

that either the railroad or the steamship company *should assume responsibility for the safety of prepaid passengers until they reach their destination.* If this plan were carried out there might ultimately be some logical reason for issuing prepaid railroad orders in connection with steamship transportation, and indeed with some additional concomitants this lucrative form of transportation might very well develop into a system that might actually be commended. As conditions exist at present, the steamship passenger *who does pay and is willing to pay for* what is represented to be advantageous to him, is, on the contrary, obliged to endure untold hardships before completing his journey, as a result of having been persuaded to purchase prepaid railroad transportation.

#### DOCKS AND STEAMERS

General conditions on the docks at present are improved, but still leave much to be desired. It is necessary, however, to obtain the co-operation of both steamship companies and railroads before any genuine reform can take place, and then it can only be accomplished by drastic changes in the present system of handling passengers. There should be:

1. A clearing house established on all docks under jurisdiction of this Bureau;
2. A new system of prepaid railroad orders, first and mixed class;
3. No routing by landing agents;
4. All through passengers holding orders should be routed by clearing house agent according to trains, not railroads;
5. Porter and bus service by railroads from docks to trains;
6. All money changing and baggage charges O. K.'d by clearing house;
7. Bulletin boards for baggage rates, money exchange and time of trains;
8. Daily notification to this Bureau of consignments of passengers taken from docks by immigrant associations, hotels and steamship agents;

9. Daily diagram to this Bureau of steamship-railroad passengers, showing number, destination, train and railroad.

Under these conditions it would be comparatively easy to develop the advantages of New York as a port of entry over Canadian and southern ports by the extension of a service to all steamship passengers of (1) through fast boat trains; (2) guide service, transfer service, tourist service, and (3) protection to final destination.

#### **MONEY EXCHANGE**

Exchange of foreign money is being conducted as heretofore by railroad ticket agents, hotel runners, steamship agents, saloons and baggage agents, and incoming passengers are being systematically robbed, as usual. Although the law provides that a license is required for this form of banking, it is not being enforced and anyone may pursue such exploitation of steamship passengers who has the requisite nerve and capital.

#### **BAGGAGE**

During the year a conference was held between the Commissioner of Licenses and the Chief Investigator of this Bureau concerning ways and means of abolishing the abuses practiced by baggage agents and enumerated in the last annual report. As a result it was ordered by the Department of Licenses that signs approved by that department stating legal transfer baggage rates be displayed by each express company operating on the docks; that all charges be collected at a desk and that no "checker" be permitted to collect money from a passenger. This has accomplished a much needed reform and as a result few complaints have come to the attention of the Bureau during the past year. Credit should be given to the express companies operating on the docks for their assistance and co-operation in enforcing these rules.

#### **REAL ESTATE SCHEMES**

During the business depression of the past year some so-called "real estate" companies operating under pretentious names succeeded in attracting the attention of unemployed aliens by inserting misleading advertisements in the foreign language press and

through various other channels. These announcements promised employment and offered other apparently attractive inducements for the purpose of obtaining the savings of immigrant applicants. This Bureau received and investigated numerous complaints and finally succeeded in closing a number of these offices, obtaining refunds of some of the money deposited, and saving immigrant laborers thousands of dollars. It is worth while to describe the method employed by these impostors to lure ignorant foreigners and obtain money from them.

An alleged "real estate" firm advertised for a time in the foreign language newspapers as follows:

Wanted, men of any profession to work in Cuba. Must be industrious and single. Pay \$4.00 per day. Apply from 9 a. m. to 4 p. m. at the ..... Company, ..... West 23rd street.

This advertisement attracted a number of immigrants who, upon being interviewed by a manager of their own nationality, were told that they could obtain employment in Cuba for four dollars per day, at their own trade; *but that each applicant must deposit \$25 on account of transportation costs, and other expenses.* After paying this deposit the immigrant was asked to sign an agreement printed in *English* which he did not understand, and which contained three stipulations: (1) That the immigrant agreed to buy from the said company ten acres of land in Cuba for \$4,000; (2) that he agreed to enter the employ of the said company with the understanding that each day that he worked in Cuba for and under the direction of the said company a credit of four dollars would be made on account of the four thousand dollar purchase price, less five dollars weekly for board, which included meals, housing and plain laundry "(no starch)," less his fare, expenses and all other advances made for him or in his behalf thereafter or until the said company was ready to notify him to depart for Cuba; and (3) all labor credit would be based only on the report of the company time-keeper.

This "company" obtained money from hundreds of applicants all over the state during the few months of its existence, and continued to give excuses for delay in furnishing applicants with work from day to day.

On receiving complaints from several alien applicants the Bureau's investigation disclosed that the company had an option on some undeveloped property in Cuba, but that they kept no books or accounts of money collected, that they had no bank account, and that all money collected was appropriated by the "president." *Hundreds of foreigners who had signed contracts and had paid fees for obtaining the promised employment were in the city waiting to be shipped.* The "company" did not own their own steamers as they had stated, and in any event the contract would have obliged applicants to labor for more than four years in order to pay up the \$4,000 and become the owners of the "property," the value of which could not exceed a few hundred dollars. It was apparent that the sole object of this "company" was to collect an initial payment from applicants, and that they had never intended to carry out their agreement.

The Bureau succeeded in causing the arrest of the Italian manager, who was later remanded for the higher courts; and also in obtaining the return of money to many of the victims.

Another advertisement appeared in the Italian newspapers for several weeks as follows:

Good way of earning money for carpenters, masons and painters. Write or call from 9 to 12 noon, ..... E. 120th street.

A number of applicants called in reply to this advertisement and were informed by an Italian, that on paying \$5 they would be given a position, guaranteed for one year with a certain "real estate" company having land in New Jersey. Numerous foreigners paid the fee, and were given receipts in English, an example of which appears below:

Tel. Harlem .....	Date .....
Received from Mr. ....	
Address .....	
Deposit of \$5 on No. of shares.....	
Lots .....	Block No. .....
Price \$25.00 .....	
Terms .....	\$..... Down, \$2 monthly.
The .....	Corporation,
per .....	General Agent.

Investigation disclosed that this "General Agent" was acting for a certain "real estate" company, having its main office in New York City, which had an option on a tract of land in New

Jersey, comprising several thousand acres in a town of about 150 inhabitants and valued at about \$1.25 per acre. This was offered for sale to applicants for work at the rate of \$25 a quarter-acre lot, or \$100 per acre. This agent had changed his address and office four times during one month and was receiving money from all over the country in reply to his "ad." A warrant for his arrest was applied for and issued, but before it could be executed he had escaped to Italy. One of the circulars distributed broadcast read partly as follows:

Work to be done on property by the company. To be built, 5,000 first class homes and 5,000 workingmen homes. Asphalt streets, 4 large factories, 2 large railroad stations, 2 churches, 2 schools, 2 large hotels electric trolley cars, etc., etc. I need 500 workingmen to earn from \$2 to \$5 per day. Only people having shares in the company will be employed.

#### PUBLIC PORTERS

There are about 225 licensed public porters in the city of New York, and as stated in the 1914 report of the Bureau the only controlling ordinance regulating their activities is seventy years old and entirely obsolete. It is regrettable that the efforts of this Bureau, together with representatives of the Hotel Men's Association, of the various railroads having terminals in this city, and of the Department of Licenses were ineffectual in obtaining the passage of the new ordinance submitted to the late Board of Aldermen in 1915.

The operations of these porters, the majority of whom have police records, are a public scandal, and the records of complaints and evidence of illegal traffic obtained by this Bureau and the Hotel Men's Association from hotel patrons, whom they solicit, overcharge and misdirect, are voluminous.

Practically all porters act as guides and solicit patronage for hotels and are doing a regular "runner's" business. While runners licensed by the Police Department pay a \$20 license fee and are under bond, porters pay \$1 for the first year and 25 cents for a renewal, are under no bond or obligation and there is practically no system of identification. Evidence is abundant that they continually insult women passengers, and any morning at the Pennsylvania Railroad depot they may be seen forcibly

taking bags from passengers and compelling the acceptance of their services.

Many porters, after having been convicted and released from prison, have obtained licenses under assumed names and when original licenses were revoked, others were secured in this manner. One man was found to have used four different names and obtained a new license on each occasion.

The activities of public porters are unfortunately *not* regulated so that they can be compelled to confine their efforts to the sort of work for which they are licensed. Most of them are regularly employed on a commission basis by second-class hotels for independent soliciting and their official licenses are used as a shield to cover innumerable deceptions and abuses. Reports of investigators disclose such cases as the following:

During a recent inspection at the Grand Central Terminal a certain ex-convict was observed standing in front of the terminal wearing a cap with the inscription "steamship, hotel and railroad guide." His record is as follows. In 1910, he operated at the Barge Office under public porter license No. 123. Several complaints of exploitation of immigrants came to the attention of this bureau, but no conviction was obtained, as complainants had left the city. In January, 1912, he and another porter were arrested and entered a plea of guilty before the Court of General Sessions for having induced two immigrant girls to go to their room under the promise of obtaining positions for them; they kept the girls there for three days. They were sentenced on January 28, 1912, to the Elmira Reformatory and their licenses revoked. In June, 1914, one of them applied for a new porter's license under an assumed name. He was identified and the license was revoked. On the evening of October 8, 1914, he was observed again acting as a public porter, and since that time has been twice arrested for vagrancy.

Porter P. N. met a Polish immigrant at the Pennsylvania Terminal. He promised to obtain a position for the immigrant and induced him to go to a hotel where he robbed him of \$20. N. has served three months for unlawful entry.

Porter S. W. served a three months sentence for robbing immigrants. His porter's license No. 356 was revoked in 1910. He secured a hackman's license and operated at the Grand Central Terminal, although he never owned or drove a hack. He gave this license to a newsboy for 25 cents, and for some time operated without one. The License Bureau was notified and this license was revoked. He then proceeded to a branch office of the License Bureau and obtained another hackmen's license, and thereafter operated without a license at the Pennsylvania Terminal by using baggage checks of one of the bogus "express" companies common in that vicinity.

Porter F. L. was arrested for stealing immigrant's baggage at the Barge Office. He and another public porter obtained \$21 to purchase a railroad ticket which was never obtained. He is suspected of having taken another immigrant to a restaurant on 116th street, where he robbed him of \$2. He has not appeared at the Barge Office since the robbery.

Porter J. B. was arrested for robbing a Greek immigrant boy of \$22 for a ticket to White Plains. He pleaded guilty and was convicted.

Porter J. S., No. 2, charged an immigrant \$6 for guiding him from the Barge Office to the Brooklyn Bridge. He left the city when he learned that the immigrant had complained.

Porter P. R. took an Armenian to the subway station and there demanded money to purchase tickets. The passenger gave him a 20 franc piece and he asked for more. He was given 80 francs additional, in all 100 francs. In return R. gave him a \$1 bill, telling the Armenian that this was a check. He was convicted.

J. D. K. was licensed in 1914 as a runner by the Police Department and operated at the Grand Central Terminal. He was a hack driver before he obtained a runner's license. On February 23, he was arrested for disorderly conduct and placed on probation for twelve months. On April 18, 1912, he was arrested for disorderly conduct and fined one dollar. On March 7, 1913, he was arrested for disorderly conduct and fined two dollars. February 13, 1913, he was arrested, reprimanded and discharged.

The record and character of one "Toney Natilie," a former hack driver and public porter, who has since applied for a runner's license, is as follows: On October 15, 1912, he was arrested for disorderly conduct and fined one dollar. December 12, 1912, was arrested for operating as a porter without a license at the Grand Central Terminal. February 17, 1913, he was arrested at the Grand Central Terminal, charged with disorderly conduct and fined ten dollars. August 26, 1913, he was arrested for violating the corporation ordinance, was reprimanded and discharged. On March 26, 1914, he was arrested for assault and sent to the workhouse for thirty days.

Porter J. C. obtained \$30 from an immigrant to buy a railroad ticket to White Plains. He took the money and disappeared. He was arrested, convicted and received a sentence of eleven months and twenty-nine days. Two days after his release, he was discovered obtaining money from an alien on the pretense that he was an immigrant official and that he would obtain the release of another immigrant detained on Ellis Island. He was convicted and sentenced to one year in state prison. Three weeks after his release from prison he was arrested, charged with stealing \$80. He was again convicted and sentenced to one year in state prison.

#### PORTERS AT RAILROAD TERMINALS

A survey of conditions at the Grand Central discloses from 65 to 75 public porters and public runners constantly operating outside of this terminal and in and around the two blocks from Fourth to Madison avenues. During a recent inspection, 18 pub-

lic porters were observed at one time standing at the northeast corner of Madison avenue at the subway exit.

These disorderly and unrestrained "porters" are thus authorized to annoy passengers and obstruct the sidewalks about both the Grand Central and Pennsylvania Terminals, and the private police of these railroads are largely employed in protecting incoming strangers from their activities. The police records of both of these railroads are largely composed of such complaints. But the fact remains that acting under license and authority of the city of New York and in defiance of the rights of property owners and business interests, 200 so-called "porters," a floating, lazy, incompetent class of men, seek this sort of livelihood because they will not work and they should not be encouraged by authority of the municipality.

A public porter license grants to the holder the privilege of accosting strangers, both citizens and aliens, coming into the city who unwittingly fall a prey to their infamous and illegal methods. It is imperative that the Board of Aldermen give attention to the request of the organizations and departments interested in abolishing these scandalous conditions, or, preferably, that the charter be amended to place public porters with runners under proper restraint.

#### BOGUS MEDICAL PRACTITIONERS

During the year 1914, this Bureau began a campaign of extermination against bogus doctors and medical "museums." Chief Magistrate McAdoo issued 57 warrants against persons charged with violation of the Public Health Law and with maintaining these public nuisances on evidence obtained by this Bureau and the County Medical Society. All of the defendants were convicted with the exception of one who is now a fugitive from justice. Some of the worst offenders were sent to jail and fines were imposed upon others of from \$100 to \$500, and in a few cases sentence was suspended.

For many years so-called medical "museums" have been conducted in the city of New York. They were simply places which ignorant foreigners were induced to enter to be robbed of their savings. As a result of the work of our investigators with the

co-operation of the County Medical Society and the District Attorney's office, these museums no longer exist, and the aliens in the community have been protected against a great swindle. Investigations conducted by the Bureau show that these museums and their so-called "doctors" obtained many thousands of dollars weekly defrauding foreigners. The proprietor of one of the larger offices stated that unless the profits averaged \$4,000 a month it would be closed. One of the worst offenders was a man named Henry J. Schireson. This man conducted offices in Boston, Mass., Scranton, Pa., Wilkes Barre, Pa., Johnstown, Pa., Susquehanna, Pa., Philadelphia Pa., Youngstown, Pa., Shenandoah, Pa., Providence, R. I., Cleveland, O., Detroit, Mich., and Pittsburgh, Pa. His income was estimated to be about \$100,000 a year and his record was a thoroughly bad one. He had been in trouble with the authorities in almost every city where he had conducted his business. He was admitted to practice in the State of Vermont in the year 1909 and after obtaining his certificate in that state went to Ohio and was admitted there and in other states by reciprocity, where he was licensed to practice medicine by the endorsement of his Vermont license. Investigations conducted by this Bureau disclosed that Schireson had employed some other person to take the original examination for him, and that after the impostor had passed the examination Schireson obtained the certificate. The fraud was subsequently discovered and the Medical Board of the State of Vermont thereafter ruled that all applicants should be required to appear before the Medical Board for examination to be photographed before taking the examination. This man was sentenced to ten months in the state prison in the State of Pennsylvania and after spending a short time in jail he was pardoned. The Bureau received letters from district attorneys and other officials from different parts of the country in reference to Schireson, the following letter being received from the district attorney of Lackawanna County, Pennsylvania:

Your letter of May 20th, inquiring as to Henry J. Schireson, has been received. This man at one time conducted a medical office in this city. As soon as the authorities got after him he left for Pittsburgh, where I believe he was arrested and sentenced. He claimed while here to have a license from the State of Pennsylvania, and he exhibited what at least purported to be a license. Whether it was valid or not, or whether it was obtained

fraudulently or not, I do not know. Schireson had the reputation of conducting a medical office on the following plan: He solicited business among the foreigners of this county. He had several rooms and several assistants. When the foreign patient would come to his office, one of these assistants would have the patient strip off and leave his clothes in a certain room, while "Doctor" Schireson would have the patient step into another room to be examined. While the patient was being examined the assistant would go through the patient's clothes to ascertain how much money he had. Charges were fixed in accordance with the success of the assistant's investigations as to the amount the victim could stand. This was Schireson's reputation. The facts were not brought out at any trial in this county.

The following letter was received from the State Medical Board of Michigan:

In reply to your inquiry of the 18th inst., relative to Dr. Henry Junius Schireson, I will state briefly as follows:

Dr. Schireson obtained a medical license from this board under date of July 3, 1911. We subsequently received official evidence that some of the statements sworn to in his application were false, and his license, therefore, was cancelled by this board at its meeting on October 11, 1911. He, however, did not discontinue his practice in this city, and was arrested by the authorities and convicted for practicing in violation of the Medical Act. He was released under bail, which he afterwards forfeited. Later he was arrested in a Pittsburgh hotel under an assumed name. I enclose you a copy of a newspaper clipping on file in this office, covering his activities in Pittsburgh. You can undoubtedly obtain full information from the officials of that city.

The following letter was received from the office of the District Attorney of the County of Alleghany, Pa.:

In reply to your letter of May 20th, regarding one Henry J. Schireson, beg to state that he was with one J. J. Weitzman arrested in this city in 1912 upon a charge of conspiracy to defraud, based on information secured by this office.

They had opened offices which they called the "Pittsburgh Clinic," fitting the same with a number of machines and devices, by the use of which they represented to persons applying for treatment, that they could diagnose diseases and conditions of the body and blood. They would represent to applicants, who were mostly ignorant foreigners, and who were suffering from slight ailments and disorders, that their condition was serious and that it would require medical treatment with them for a long period of time, by which means they would secure large sums of money.

Schireson and Weitzman both entered pleas of *nolo contendere* to this charge of conspiracy on October 14, 1912. Schireson was sentenced to the Alleghany County Work House on November 9, 1912, for a period of ten months and was released by a pardon on January 15, 1913. Weitzman was sentenced eight months to the same institution. Schireson came here from Detroit and was wanted in that city at the time.

One of the other defendants arrested owned a chain of museums in the city of New York. The amount of money he had obtained from foreigners in these museums was enormous. Evidence disclosed that his profits amounted to several thousand dollars per month. This man was convicted and was compelled to close all of his museums.

Advertisements were inserted in foreign newspapers whereby readers were informed that celebrated "professors" would cure every ill known to humanity and that if a cure was not effected the money would be returned to the patient. The patients were told that celebrated professors, graduates of universities of Europe, were in daily attendance at the museums and doctors' offices, and when a patient interviewed the famous "professor" he was assured that he was suffering from some serious disease, but that he could be cured, provided he followed instructions. As a matter of fact these famous "professors" were simply interpreters and their sole business was to make the victim believe he was suffering from a serious disease that required immediate medical attention, and that if he did not follow this advice, death would result. The files of this Bureau are replete with instances where persons had given all of their savings to these impostors. There is on record a case of two Greek boys who read an advertisement in the Greek newspaper and after going to the office of the doctor or "professor," one of the boys was informed that he was suffering from leprosy. He was informed that it would be necessary for him to call at the doctor's office every day and that the visits should be made at night, because if he was seen on the street in the daytime the authorities would apprehend him and he would be imprisoned. This victim was induced to part with his life's savings. Of course he did not have leprosy, in fact his illness was originally unimportant, but when he called at this Bureau with his brother he was a nervous wreck, and this condition was the result of the treatment given him at the office of the "professor."

As a result the following persons were convicted for violation of the Public Health Law, that is to say, practicing medicine without a license; or of maintaining a public nuisance in that they conducted offices and "museums" wherein persons were defrauded by men who impersonated physicians:

NAME	Result of prosecution
Leonard Landes.....	\$100—30 days
Sidney S. Engleman.....	Suspended
Kugelman.....	Suspended
Dr. William S. Ewing.....	Suspended
Louis Price.....	Dismissed
William Dubbin.....	Dismissed
George Garifolas.....	Six months.
Constantin Lyras.....	\$250—60 days
J. C. Brown.....	\$150—30 days
Victor Brod.....	\$100—30 days
Isadore Hyman.....	Suspended
William B. Hunt.....	Suspended
Julis Jelsick.....	Suspended
John Tulea.....	Suspended
Miss Rose Roberts.....	Suspended
Henry J. Schireson.....	Six months
Gerald Rothman.....	Suspended
G. C. Brown.....	Suspended
Frank T. Brough.....	Suspended
Dr. B. Mets.....	Dismissed
James Flippin.....	\$500
George Moscow.....	Suspended
Milton Sampson.....	Suspended
Thomas L. Ward.....	\$250
Otto C. Bubeck.....	\$250
Smiley Blackwood.....	Suspended
Maxwell Branner.....	Suspended
Franklin P. Hannon.....	Suspended
Adolph Slaughter.....	\$500
Charles Noack.....	Suspended
James Von Spiegel.....	Suspended
George I. Idromenos.....	\$150
Nicolas Metaxas.....	\$150
Eftimis Efthimiou.....	Fugitive

The effect of these arrests and prosecutions was an important step in the reformation of conditions which it is desirable to abolish, and to the attorney for the County Medical Society, the Chief Magistrate, the Second Deputy Commissioner of Police, this Bureau is greatly indebted for valuable co-operation and assistance.

Unfortunately there is at present no disciplinary body of the medical profession which can handle complaints and recommend suspension or revocation of license and other summary punishment for unethical practices by members of that profession. Such an organization on the same principle as the Bar Association is not only desirable, but necessary, and steps are already under way to propose such legislation as may be necessary to create such a body.

The difficulty of obtaining evidence and of classifying the offences, together with the prevalence of medical advertisements in foreign language papers, attest that some stricter regulation of these matters is necessary.

#### PHONOGRAPH SWINDLERS

One of the most prolific sources of swindling immigrants and aliens is the phonograph mail order business, a lucrative and highly organized mode of extracting money from the unsuspecting through the medium of the foreign press. Advertisements are inserted in various languages, stating that on payment of \$5 and an agreement to pay the balance in small installments, a machine will immediately be forwarded to the purchaser "with records of your national songs in your own tongue."

On receiving the initial payment the phonograph company forwards a machine by express with the entire balance to be collected C. O. D. When the alien is notified by the express company he is shocked at the "mistake" and protests to the phonograph concern, with the result that this company retains both the machine and the original payment. The immigrant being helpless and unfamiliar with either the language or usage of the country, thus loses his hard-earned money and his remonstrance remains unheeded.

For several years complaints have been received from all parts of the United States from immigrants of all nationalities who have been systematically defrauded. An investigation was conducted, complainants were interviewed, and the co-operation of the Post-Office Department was enlisted, with the result that 65 complete cases were prepared against one Saul Birns who was the chief offender. It was ascertained that his fraudulent transactions netted him about \$125,000 per year and that he had provided an emergency deposit of \$30,000 to be used for legal services should he be arrested. Birns operated three companies. The "Saul Birns Company," the "Atlantic Talking Machine Company," and the "Metropolitan Phonograph Company." His circulars displayed machines selling at from \$10 to \$75, each being fundamentally the same machine and costing him not more than \$8 wholesale. The representative of one company, from whom he

purchased these machines, testified in court that Birns' purchases amounted to \$6,000 per month from this one concern. Birns was finally arrested, indicted and convicted under section 215, U. S. C. C. He first pleaded "not guilty" and afterward changed his plea. He produced a physician in court who testified he was suffering from mastoiditis and that his wife was suffering from another ailment which invariably affects the wives of indicted swindlers. He was fined \$750, an absurdly inadequate punishment for a man whose swindling operations extended from ocean to ocean, and who for years had unscrupulously robbed ignorant and hardworking foreigners to the amount of over \$100,000 per year.

Joseph Kalman, proprietor of the "Adria Phonograph Company," the "Pallas Phonograph Company," and the "Metropolitan Phonograph Company," was convicted under the same section and fined \$100.

Joseph H. Mayers, the proprietor of the "International Phonograph Company" and the "Supreme Music Company," under the same section, was fined \$350. Mr. Mayers was also the president of the "New York Credit Watch and Jewelry Company." Other cases are still pending.

The immigrant and his hard earned pennies are indeed an object of envy of the prolific brains of the organized swindling fraternity!

#### LABOR CAMPS

The inspection of 824 labor camps during the year developed many improvements and a more general spirit of co-operation among employers than has been indicated in previous years. In canneries, particularly, a general improvement in living quarters was apparent and special mention of the Burt Olney Company and the social conditions in their camps is deserved. This company may well serve as a model to the canning industry. Not only have they destroyed and rebuilt practically all of the old living quarters at the Albion cannery, but have provided teachers to instruct and social workers to care for the children of their alien employees. At the Oneida cannery also, Mr. Olney has not only provided improved quarters, but has given considerable attention to fire protection in the construction of these buildings.

Other canneries deserving special commendation are The Clinton Canning Company, at Clinton, N. Y.; The Daily Udell Company, at Brockport, N. Y.; The Fuller Canning Company, at South Dayton, N. Y.; The Oswego Preserving Company, at Oswego, and the Cobb Canning Company, at Canandaigua, N. Y. All of these maintain practically model camps and demonstrate that such procedure is not inconsistent with profitable and advanced business methods.

In brickyards the conditions remain practically unchanged, and may be said to continue to be the most discreditable in the state.

Railroad camps have improved and have only curtailed installing additional educational advantages because of the exodus of Italian reservists. However, the improvement in many box car camps, notably at Harmon, N. Y., on the New York Central, is extremely gratifying. Photographs in our files are the most convincing evidence that employers are beginning to realize the importance of sanitary housing quarters for laborers, and the type of concrete and shingle camp houses on the New York Central Railroad leaves little to be desired. These houses are gradually taking the place of box cars, formerly used for this purpose, 250 of which were destroyed by the company during the past year.

Camps in other industries have improved proportionately, but to attain the standard that will make for efficiency in our industrial life, an educational campaign for the captains of industry is necessary to create a realization of the fact that efficiency can only be scientifically developed and increased by the conservation of health, energy and increasing intelligence of the industrial army. It has been aptly written that "Europe's next fight \* \* \* will be the fight of all trades against the rapid advance of American business efficiency." *The industrial future of any country rests on its industrial efficiency* and America now has an opportunity unparalleled in history to mobilize her industrial army and to legislate and develop that indispensable quality.

How puny are the efforts of the few old-fashioned employers who seek to curtail the activities of this Bureau, through which the social condition of our immigrant industrial workers is improved and their standard of living raised to that point which develops additional industrial efficiency. A hygienic, educational

and social propaganda makes for personal advancement; *and the efficiency of the worker makes for the prosperity of the employer, not sometimes but always.* Germany is the only country in the world that has reduced industrial efficiency to a science. America, for the next century at least, should be Europe's workshop; and even should immigration remain at a standstill for the next decade, American industries should lose no time in developing their present immigrant population into an efficient, competent industrial army, fit and able to meet the demands that will be made upon it during the coming readjustment and reconstruction period of the remainder of the world.

By the use of judicious periods of enforced rest, it was possible for the Bethlehem Steel Works to get its laborers to lift and move four times as much pig-iron as by setting the laborers a straightaway nine-hour day. Rest, sanitary housing, clean food, industrial hygiene, will raise the standard of living and increase the industrial efficiency of the alien many times over, and the sooner the average employer is educated to see this the state, the laborer and the employer will begin to reap the economic returns of a sound investment.

The state, the corporation and the individual employer owe a moral obligation to the immigrant population. *The welfare of both the state and the employer is bound up in the welfare of the industrial worker.* We cannot ignore one without injuring the other. John Bright, the friend of America, denounced the policy of the empire that would bring misery to the cottage when he said,

I believe that there is no permanent greatness in a nation unless it be based on morality, I care for the condition of the people among whom I live. \* \* \* Palaces, baronial castles, great halls, stately mansions do not make a nation. *The nation in every country dwells in the cottage,* and unless the light of your Constitution can shine there, unless the beauty of your legislation and the excellence of your statesmanship are impressed there on the feelings and condition of the people, rely upon it you have yet to learn the duties of government. \* \* \* The moral law was not written for men alone in their individual character, but it was written as well for nations, and for nations great as this of which we are citizens. If nations reject and deride that moral law there is a penalty which will inevitably follow. It may not come at once, it may not come in our lifetime, but, rely upon it, the great Italian is not a poet only, but a prophet when he says:

The sword of heaven is not in haste to smite,  
Nor yet doth linger.

## DEFECTIVE ALIENS

The report of the Commissioner General of Immigration with respect to the admission of defective aliens under bond corroborates the statements upon this subject submitted in the last annual report of this Bureau, inasmuch as it illustrates the fact that owing to

the decrease in immigration (particularly through the larger ports, notably New York) has resulted during the past year in especially favorable opportunities for testing aliens for physical and mental defects. The results attained demonstrate the need for greater care and more minute physical and mental examination in connection with the medical inspection. In other words, these results prove conclusively that more doctors are needed if the country is really to be protected from the introduction of diseases *and stains of mental deficiency.*

It is obvious that the admission of aliens suffering from grave mental and physical defects, particularly the insane, imbecile and feeble-minded who are admitted under bond are a menace to the welfare of the State of New York that cannot be overestimated. This matter is specifically referred to in the 1914 report of the Bureau, but the report of the Commissioner General of Immigration further emphasizes the exigencies of the situation as follows:

During the past fiscal year 463 aliens suffering from serious mental defects were debarred at the ports—6 idiots, 27 imbeciles, 98 insane, 30 epileptics, and 302 feeble-minded. In the preceding year 1,274 aliens with serious mental defects were debarred, of whom 14 were idiots, 172 insane, 68 imbeciles, 25 epileptics, and 995 feeble-minded. During the year there were expelled from the country 399 aliens suffering with serious mental defects, 56 of whom it was found had been so afflicted at the time of entry, divided into 22 insane, 5 imbeciles, 16 epileptics, and 13 feeble-minded; *and it will be observed that 342 of the aliens deported became public charges within three years after entry by reason of the development of such deficiencies, the underlying causes of which existed prior to entry, divided into 335 who became insane and 7 who became public charges.* The figures on this subject for the preceding year were 62 insane, 4 imbeciles, 16 epileptics, 9 feeble-minded, *and 780 who became public charges within three years after entry, by reason of the development of mental deficiencies, the underlying causes of which existed prior to entry, a total of 871 expulsions for mental defects.* Aliens suffering with mental deficiencies should be excluded, not simply because it is likely that they will not be able to get along in this country, but because of the likelihood that in time the strains of mental deficiency will enter the body politic and ultimately have a serious effect in reducing the average mental capacity of our people as well as in burdening the state and municipalities with the care of those below the normal in mental equipment. *In my judgment the law upon this matter is not yet as strict as*

*it should be*, and I pointed out in my last report that it was impossible to give the law as thorough an application as is desirable with the men and money available for this branch of the service.

Since the great majority of the defective classes who are admitted under bonds are released to destinations in New York State, it is self-evident that until the provision of the Immigration Act, permitting such excludable aliens to be admitted *in the discretion of the Secretary of Labor*, shall be repealed, the institutions of the State of New York will continue to be congested with such aliens who become public charges and who violate the terms of the bonds under which they are admitted in about 98 per cent of the cases so admitted.

The report of the Commissioner General of Immigration does not give the number of such aliens admitted to destinations *in the State of New York*, but the majority of the total admissions remain here. Unless some drastic measures are taken by the Legislature of the State of New York to procure the reapportionment of the head tax to be applied as originally intended for the care and maintenance of such aliens who thereafter become public charges, it is safe to predict that the State of New York will be confronted with a startling increase in public dependency of aliens in the next decade.

Under the present Federal Immigration Law the Act of February 20, 1907, as amended by the Acts of March 10 and 26, 1910, and March 4, 1913, the function of admitting aliens of the excluded classes has been *assumed* to be wholly discretionary, although Section 2 does not appear to contain any authority for the exercise of such power.

Since the object of this report and the function of the Bureau of Industries and Immigration is *primarily* concerned with the social and economic status of all aliens "arriving and being within the State" and since under the provisions of Article 11 of the Labor Law, Section 153, Subd. 4, the State Industrial Commission is authorized to:

\* \* \* secure information with respect to such aliens who shall be in prisons, almshouses and insane asylums of the state, and who shall be deportable under the laws of the United States, and to co-operate with the federal authorities and with such officials of the state having jurisdiction over such criminals, paupers and insane aliens who shall be confined as

aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States, relating to deportation \* \* \*.

*It is of vital importance to the general welfare that discretionary admission of defective aliens into the State of New York under bond shall cease and that further violation of Subd. 2 of the Immigration Act be prohibited.*

Rule 17, Subd. 4 of that Act provides:

*Where no appeal lies.* No appeal lies where the decision of a board of special inquiry, based solely upon the certificate of the examining medical officer, rejects an alien because either (1) he is afflicted with tuberculosis or a loathsome or dangerous contagious disease, or (2) he is an idiot or an imbecile or an epileptic or is insane or feeble-minded, or (3) he has been insane within five years previously, or (4) he has any *mental* defect which may affect his ability to earn a living or render him likely to become a public charge.

And yet the Federal Government has continuously permitted appeals to be taken and does so admit such insane, epileptic and idiotic aliens who afterward become public charges upon the State of New York. The evident intention of the Act was to eliminate discretionary power in the admission of aliens suffering from grave mental defects and apparently no authority was intended to be vested in *any* official to establish *any* rules that would in effect suspend and nullify the provisions of this Law. The only discretionary power vested in any official in the case of excluded aliens is granted under Section 19 relating to (1) detention when "the testimony of such alien is necessary in behalf of the United States Government," and only applying to vessels and owners of vessels who are transgressors of the law and (2) in cases where deportation may be dangerous or inhumane as is the case during the present period of war; but in no case does this discretionary power permit excludable aliens suffering from mental disability to be released under bond and moreover it specifically provides that they shall be detained at the expense of the "immigrant fund" until they can be safely deported.

Throughout Sections 20 and 21 no authorization is provided for the admission of any excludable alien beyond the period of three years which is provided for investigation.

Section 22 provides that the Commissioner General of Immigration

\* \* \* shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Labor.

This section does not, however, confer any authorization to admit under bond those aliens who under Rule 17 are prohibited from the right to appeal and even were the authorization to make "such rules and regulations" intended to provide unlimited discretionary power such authority could not validly be used to vitiate the statute which prohibits the acceptance of a bond for admission of any insane, imbecile or feeble-minded alien who was clearly excluded by the certificate of the examining medical officer.

When an alien is certified to be suffering from the disabilities mentioned in Subd. 4 *it is mandatory* for the board to base its decision on the certificate of the examining medical officer since such decision can only be based upon a purely medical diagnosis.

The fact that the institutions of the State of New York are congested with aliens and their progeny, who have been admitted in violation of the express intent of the law does not justify a continuance of this abuse. From both a social and economic viewpoint the future welfare of the State is confronted with a serious menace should the practice be continued.

Even were the bonds enforceable, which they are not in 98% of the cases on record, the economic and social damage suffered by society and the State would be incalculable in terms of money.

The Federal authorities do not assume any responsibility for maintenance or investigation of aliens of prohibited classes thus admitted to destinations within this State, although they admit that these bonds are practically unenforceable. The intention of the law itself was designed to recognize the menace of such admissions to the welfare of the country and yet each succeeding administration continues this practice which is directly responsible for

the enormous expenditure by the State of New York for the maintenance of insane, feeble-minded and criminal classes among the alien inmates of our institutions. In this State for the past fifteen years from one-quarter to one-sixth of the total State budget has been spent in the care of its dependent and defective classes, about one-third of whom are aliens.

The head tax was originally provided by law *for the purpose of indemnifying the state authorities* for the maintenance and support of such immigrants and to aid in removing "any of said persons from any part of this state to any part of this or any other state, or from this state, or in assisting them to procure employment and thus prevent them from becoming a public charge." *Since 1890 the Federal Government has collected a head tax of four dollars from every arriving immigrant entering the country and has since that time withdrawn all Federal aid from the state in the matter of care, maintenance and expense of deportation of these aliens who either are in the excludable classes admitted under bonds, or who after becoming residents of New York State become public charges.* The city of New York alone expends over two million dollars a year for the hospital care and maintenance of dependent aliens in Bellevue and Allied Hospitals and the State Hospital Commission shows an alien population of one-third in the insane asylums *which, together with dependents of other classes, gives an alarmingly increasing total each year.*

There is in the Federal Treasury an unexpended balance of about \$9,000,000 over and above the expenditures from this fund, and the State of New York should demand relief from Congress in the matter of caring for its alien insane and other dependents by reapportioning that portion of the head tax collected from aliens who declare New York to be their state of future permanent residence. *In no other state in the Union are the conditions so inequitable and the drain on the public treasury so stupendous as those under which the Empire State is staggering, and which in the next decade threaten to reach truly alarming proportions.*

It is recommended that section 21 of the Burnett Bill now before Congress, allowing discretionary power of admission be eliminated and that a provision be inserted to provide for the apportionment of an equitable amount of the head tax to the State

of New York, as discussed in the previous paragraphs of this report.

A nation may regard itself in danger when it finds a large percentage of broken down and defective population, or when too large a proportion of a population is thus withdrawn from productive lines there is also great danger; hence the advisability of ungraded classes in our public schools, vocational training, national and state employment agencies and other organizations directing the activities of this class into self-supporting channels.

#### IMMIGRANT SOCIETIES

The Society for Italian Immigrants whose annual (1915) statistical statement shows that its activities have increased 25 per cent over previous years in assisting emigrant reservists deserves special attention in this report. It is obvious that the sudden influx of thousands of reservists into the city and their concentration here awaiting embarkation during the winter months would have created much hardship had not the situation been so admirably managed by this society. The fact that this Bureau has not received a single complaint in consequence of these extraordinary conditions attending the arrival and departure of 81,000 Italian emigrants and that the Society for Italian Immigrants has cared for, housed and assisted 45,495 aliens, the bulk of whom arrived in this city during the past seven months, is the most remarkable achievement ever attained by an institution of this character. This society is highly organized and its agencies co-ordinate throughout the United States and Italy. It is assisted financially in its philanthropic work by the Italian government, and by voluntary contributions. The immense number of 22,313 immigrants were lodged by the society during the year 1915, totaling 44,024 days' maintenance. A total of 25,058 Italians were met at railroad stations and accompanied to steamship docks direct and 20,437 were met at railroad stations and accompanied to the society, making a total of 45,495 Italians assisted during this year by this society. Italian reservists numbering 58,000 have embarked at the port of New York and the balance of 23,000 proceeded through New York City to New England ports. The statistical report of the society for 1915 is a truly remarkable

document and its activities for the year 1915 are highly commended by this Department as a social and economic benefit not only to Italian immigrants but to the state as well.

The activities of other philanthropic societies were not so greatly taxed owing to the decrease in immigration and some of these institutions were temporarily discontinued. Other societies doing important work, however, are the Panhellenic Union, the Austrian Society, The Hebrew Sheltering and Immigrant Aid Society, and numerous smaller institutions.

The object and work of the National Americanization Committee deserves commendation in any report concerning immigration conditions in the state or nation. The Committee's object is primarily "Americanization," including "the union of the many peoples of the country into one nation; the use of the English language throughout the nation; American standards of living in every community; a common interpretation of American citizenship; a recognition of foreign-born men and women in the human, social and civic, as well as the industrial, aspects of our American life."

The committee recognizes that Americanization is a complex process, produced by many agencies, and not to be swiftly accomplished. But it believes that the English language, American citizenship and American standards of living are, without question, the first steps, and in addition that all organizations that have any point of contact with the immigrant population have a part in Americanization. These include: juvenile courts, hospitals, and many other immigration societies, agencies and departments.

Illustrations of the work accomplished during the first six months by the National Americanization Committee, in co-operation with the agencies outlined, include night school publicity campaigns in Detroit and Syracuse under the auspices of Chambers of Commerce, in Wilmington, Delaware, and in Michigan; college training courses for social service in immigration introduced in whole or in part in Yale, Columbia and Chicago Universities, Beloit and Tufts Colleges, and a number of other colleges and universities; preliminary surveys in cities to serve as the basis of Americanization work; plans and outlines for teaching

English and civics; speakers' bureau and bulletin, and Americanization conferences, notably the national conference in Philadelphia in January, 1916; prize competitions, among which is the housing contest now in progress for the best plans for houses especially designed for industrial towns of rapid growth; the publication of a quarterly magazine, for clearing information of Americanization work as conducted by agencies public and private throughout the country.

The National Americanization Committee is a private organization supported by voluntary contributions and it has performed a notable achievement in stimulating the interest of national, state, municipal and individual officials and organizations in one of the most important problems with which the nation is confronted.

#### **EMPLOYMENT AGENCIES**

Conditions in employment agencies dealing with immigrant girls are unsatisfactory and many of these agencies are now under observation. There is reason to believe that a systematic traffic in girls is conducted among certain agents in the lower East Side and that all of the evils of white slavery and enforced prostitution are flourishing among many of them. This Bureau, with its present reduced force, is incapable of making the investigations except under extreme difficulties, but it is to be hoped that the next report of the Bureau will contain some interesting details concerning the prosecution now contemplated.

#### **THE WESTERN DIVISION**

Owing to the fact that the number of employees of the Buffalo office was reduced 50 per cent during the major part of 1915, the success of this branch of the Bureau is commendable.

Employment agents in Buffalo and adjacent cities were kept under constant surveillance and prosecutions were instituted wherever bad faith or obstinacy were evident on the part of such agents in their dealing with immigrants. Except in one instance amicable adjustments were successfully conducted. This was in the case of a Buffalo agent who, after several hearings before the Commissioner of Licenses of the City of Buffalo, was

given an option by that official of retiring from business as a licensed agent in Buffalo or submitting unconditionally to the recommendations and regulations issued by the Buffalo office of this Bureau.

There was collected by this Division for complainants \$1,289.33, mostly by correspondence. This sum included wage claims, delayed refunds of prepaid tickets and foreign money orders, office fees wrongfully withheld by employment agents, and miscellaneous claims. The amounts of individual claims range from \$1 to \$195.

There were 139 temporary labor camps in eight western counties inspected by two members of the Buffalo force.

Information was given to 103 written inquiries from eleven states of the Union, and in 534 cases verbal advice and information was given.

There were 46 violations of state and Federal laws submitted to the proper authorities. This Bureau obtained evidence against two notorious characters of Lackawanna, who were indicted by the grand jury of Erie County for keeping disorderly houses in a section which is inhabited almost exclusively by aliens.

Numerous cases of alien complainants were referred to the State Insurance Department. In many of these cases policies of aliens were cancelled by insurance companies without notice when payments were not made punctually, and hundreds of dollars of premiums had been lost by those who submitted their complaints to this office. It would be beneficial to the large immigrant population of the state if insurance companies, which deal extensively with non-English speaking immigrants, would issue policies in languages spoken by their clients. Applications are printed in this manner and it is only fair to the policy-holder that the same regulation should apply to the policy itself. A partial or total ignorance of the terms of a policy often causes injustice and loss to the immigrant policy-holder.

On account of lack of immigration from Europe, the necessity for visits to the railroad depots of Buffalo was reduced to the minimum.

Our obligations are acknowledged to public officials, educators and organizations who have co-operated in the work of the Bureau during the year 1915.

MARIAN K. CLARK,

*Chief Investigator*

COMPARATIVE SUMMARY OF WORK

	1911	1912	1913	1914	1915
Complaints received.....	515	1,112	2,121	3,482	2,357
Advice and information.....	551	880	798	2,571	2,244
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Total.....	1,066	1,492	2,919	6,053	4,601
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Inspections.....	1,588	1,821	1,779	3,522*	5,043
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Thereof: Labor camps.....	272	238	185	*689	824
Lodging places.....	40	616	448	*1,130	1,424
Other.....	1,276	967	1,146	*1,703	2,795
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Re-inspections.....	†	501	289	‡	325
Investigations.....	749	844	1,838	3,029	2,160
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Total investigations and inspections.....	2,337	3,166	3,906	6,551	7,528
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Names of children of school age referred to school authorities:					
New York City.....	7,324	13,129	14,150	19,012	5,821
Remainder of State.....	1,045	2,203	2,900	2,073	1,326
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total.....	8,369	15,332	17,050	21,085	7,147
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\* Inclusive of re-inspections.

† Data not available.

‡ Re-inspections included with inspections.

## COMPLAINTS

SUBJECT	RECEIVED		
	Total	Thereof involving violation of law	Settled by Bureau
Accidents.....	18	.....	10
Aliens in prison.....	3	.....	2
Banks.....	102	16	46
Baggage.....	23	.....	18
Benevolent societies.....	1	.....	.....
Collection agencies.....	1	.....	1
Deportation.....	6	.....	4
Disorderly houses.....	5	.....	3
Domestic relations.....	21	.....	13
Employment agencies.....	246	40	121
Exploitation.....	3	.....	2
Expressmen.....	1	.....	1
Extortion.....	15	.....	2
Frauds.....	331	.....	239
Hackmen.....	2	.....	2
Insurance.....	64	.....	3
Interpreters.....	7	.....	7
Labor camps.....	271	29	262
Larceny.....	10	.....	3
Lawyers.....	80	32	43
Loans.....	15	.....	5
Lost articles.....	4	.....	1
Lost immigrants.....	2	.....	1
Notaries.....	8	5	7
Porters.....	1	.....	13
Runners.....	21	5	4
Real estate.....	15	.....	8
Steamship tickets.....	174	103	134
Wages.....	669	.....	179
White slavery.....	10	.....	6
Lodging place violations.....	55	55	50
Miscellaneous.....	173	1	108
Total.....	*2,357	286	1,298

\* Includes 2,102 cases in which both parties resided in New York State, 243 with one party in this State, and 12 with both parties outside of New York.

COMPLAINT CASES INVOLVING VIOLATION OF LAW		Number of cases
SUBJECT AND LAW		
<b>Banks:</b>		
Chapter 348, Penal Law.....		.....
Section 970, Postal Law.....		2
Chapter 393, Laws of 1911.....		10
Section 302, Penal Law.....		5
<b>Employment Agencies:</b>		
Chapter 514, Section 155, Laws of 1910.....		12
Chapter 700, Laws of 1910.....		28
<b>Lawyers:</b>		
Section 270, Penal Law.....		7
Chapter 468, Judiciary Law.....		25
<b>Labor Camps:</b>		
Rules, Industrial Code.....		24
Labor Laws.....		5
<b>Lodging Places:</b>		
Chapter 548, Laws of 1910.....		55
<b>Notaries:</b>		
Section 1820-a, Penal Law.....		9
<b>Runners:</b>		
Section 7, Hackmen's Ordinance.....		2
Section 329-e, Code-Ordinances.....		1
Section 465, City Code.....		2
<b>Steamship Tickets:</b>		
Chapter 415, Laws of 1911.....		62
Section 1563, Laws of 1911.....		23
Chapter 578, Laws of 1911.....		18
<b>Total.....</b>		<b>280</b>

## REQUESTS FOR ADVICE AND INFORMATION

SUBJECT	Verbal	Written	Total
Accidents.....	151	55	206
Agricultural opportunities.....	.....	14	14
Aliens in prison.....	.....	3	3
Assault.....	4	4	8
Assistance.....	.....	3	3
Baggage.....	6	5	11
Banks.....	8	8	16
Bankruptcy.....	17	2	19
Complaints.....	.....	18	18
Contract (breach of).....	17	.....	17
Custom duty.....	.....	3	3
Date of landing.....	.....	7	7
Deportation.....	9	6	15
Domestic relations.....	18	4	22
Employment.....	298	45	343
Employment agencies.....	65	8	73
Federal Immigration Acts.....	11	6	17
Foreign affairs.....	22	6	28
Frauds.....	2	50	52
Information re cases in hands other agencies.....	35	1	36
Insurance.....	14	8	22
Larceny.....	8	.....	8
Lawyers.....	6	15	21
Legal advice.....	133	27	160
Leans.....	18	7	25
Lost immigrants.....	.....	7	7

## REQUESTS FOR ADVICE AND INFORMATION — (Concluded)

SUBJECT	Verbal	Written	Total
Lost articles.....	.....	2	2
Money orders.....	.....	2	2
Naturalisation.....	55	37	92
Partnership.....	4	2	6
Real estate.....	40	54	94
Relief and assistance.....	21	.....	21
Shares of stock.....	6	9	15
Steamship tickets.....	12	15	27
Translation.....	50	.....	50
Transmission.....	7	26	33
Wages.....	399	60	459
Miscellaneous.....	194	96	290
 Totals.....	1,629	*615	2,244

\* Of these 262 were from New York State.

## INSPECTIONS

SUBJECT	Totals
Banks.....	11
Docks and ferries.....	1,270
Employment agencies.....	271
Evening schools for immigrants.....	56
Immigrant lodging places.....	1,424
Immigrant homes.....	271
Interpreters.....	3
Labor camps.....	824
Miscellaneous.....	145
Notaries.....	2
Porters.....	4
Railroad terminals.....	336
Runners.....	2
Steamship tickets.....	424
 Totals.....	5,043

## INVESTIGATIONS

SUBJECT	Number
Accidents.....	12
Aliens in prison.....	1
Baggage.....	27
Banks.....	138
Benevolent societies.....	.....
Collection agencies.....	1
Deportation.....	6
Disorderly houses.....	20
Domestic relations.....	50
Employment agencies.....	191
Exploitation.....	8
Expressmen.....	2
Extortion.....	4
Frauds.....	370
Hackmen.....	*3
Insurance.....	11
Labor camps.....	45
Larceny.....	12
Lawyers.....	124
Loans.....	5

## INVESTIGATIONS—(Concluded)

SUBJECT	Number
Lost articles.....	1
Lost immigrants.....	9
Notaries.....	3
Porters.....	29
Runners.....	25
Real estate.....	281
Steamship tickets.....	47
White slavery.....	299
Wages.....	133
Lodging place violations.....	2,160
Miscellaneous.....	4
Miscellaneous sheet*.....	299
(Advice and information).....	133
Total.....	2,160

\*This sheet contains miscellaneous action taken on cases, but not reopened on account of such action.

## MATTERS REFERRED TO OTHER AGENCIES

	COM- PLAINTS	REQUESTS FOR		TOTAL
		ADVICE AND INFORMATION	VERBAL	
American Federation of Labor.....	.....	.....	1	1
Attorney General.....	.....	.....	1	1
Banking Department.....	19	8	2	29
Board of Education.....	1	.....	.....	1
Bonded attorneys.....	19	19	22	60
Bureau of Dependent Adults.....	.....	3	.....	3
Charity Organization Society.....	.....	10	.....	10
Commissioner of Agriculture.....	.....	.....	4	4
Commissioner of Education.....	.....	.....	1	1
Commissioners of Labor.....	.....	.....	2	2
Commissioner of Licenses.....	94	33	6	133
Consuls:				
Austrian.....	1	3	2	6
Belgian.....	.....	.....	1	1
British.....	2	.....	.....	2
Italian.....	.....	7	4	11
Russian.....	1	1	3	5
Department of Charities.....	3	6	.....	9
Department of Health.....	.....	1	.....	1
Department of Insurance.....	2	3	2	7
Department of Labor.....	.....	5	.....	5
District Attorneys.....	47	3	.....	50
Domestic Relations Court.....	1	.....	.....	1
Employers.....	.....	47	.....	47
Employment Bureau, Public.....	.....	18	.....	18
Employment Bureau, State.....	.....	168	12	180
Foreign powers.....	1	.....	.....	1
Governors.....	.....	.....	3	3
Hebrew Sheltering and Immigrant Aid Society.....	1	2	1	4
Highway Department.....	1	.....	.....	1
Industrial Commissions.....	36	.....	6	42
Legal Aid Societies.....	398	396	26	820
Mayors.....	.....	.....	6	6
National Employment Exchange.....	.....	7	.....	7
North American Civic League for Immigrants.....	.....	.....	1	1

## MATTERS REFERRED TO OTHER AGENCIES—(Concluded)

	COM- PLAINTS	REQUESTS FOR		TOTAL
		ADVICE AND INFORMATION	Verbal Written	
Police Department.....	3	14	8	25
Polish Immigrant Home.....		1	.....	1
Prison Association.....	1	.....	1	2
Public Administrator.....		1	.....	1
Receivers in bankruptcy.....	8	3	.....	11
Register's office.....		1	.....	1
Secretaries of State.....		1	1	2
Slavonic Immigrant Society.....		1	.....	1
Society for Prevention of Cruelty to Children.....	1	.....	.....	1
Telephone settlement.....		19	.....	19
Tenement House Commission.....	1	.....	1	2
Title Guaranteed and Trust Co.....		3	.....	3
United States:				
Bureau of Naturalization.....		3	.....	3
Commissioner General of Immigration.....		.....	2	2
Commissioner of Immigration.....	1	3	23	27
District Attorney.....		1	.....	1
Division of Information.....		31	3	34
Department of Agriculture.....		1	2	3
Department of Justice.....		.....	1	1
Navy Department.....	1	.....	.....	1
Post Office Department.....	21	2	10	33
Secretary of State.....		.....	1	1
War Department.....		.....	1	1
Workmen's Compensation Commission.....	1	105	8	114
<b>Total.....</b>	<b>663</b>	<b>932</b>	<b>168</b>	<b>1,763</b>

## LICENSING OF LODGING HOUSES

	FISCAL 1915	YEAR 1914
Licensees issued.....	202	232
Fees collected.....	\$1,725	\$2,600
Inspections of:		
Licensed houses.....	851	487
Exempt houses.....	502	507
Other.....	71	136
<b>Total.....</b>	<b>1,424</b>	<b>1,130</b>
Rate cards filed.....	2,822	1,680



**Part VIII**

**REPORT OF BUREAU OF INDUSTRIAL CODE**

**[361]**



**REPORT OF DEPUTY COMMISSIONER**  
**(IN CHARGE OF BUREAU OF INDUSTRIAL CODE).**

*To the Industrial Commission:*

I beg to submit herewith a report of the activities of the Industrial Board and Bureau of Industrial Code for the year ending October 1, 1915.

The Industrial Board had at work on September 30, 1914, advisory committees on Fire Hazards, Dangerous Machinery, Dangerous Trades and Processes, Foundries, Sanitation and Comfort, Milling Industry, Ventilation and Lighting, and a sub-committee on Cannery Labor Camps.

These committees were engaged in the work of formulating rules interpreting and amplifying the Labor Law, and were composed of persons especially qualified to act as advisors in regard to the details of the subjects referred to them and upon which the Board was required to make rules.

This work was carried on until May 22, 1915, when the Industrial Commission was created. The law creating the Industrial Commission consolidated the State Department of Labor and the Workmen's Compensation Commission, and abolished the State Industrial Board.

During the period from October 1, 1914, to May 22, 1915, the following seven bulletins containing two hundred and eighty-eight rules which had been adopted, were published:

Bulletin 7.—Rules defining Fireproof and Fire-Resisting Material, Rules 500 to 513 (13 in all), effective November 15, 1914.

Bulletin 8.—Rules relating to the Construction, Guarding, Etc., of Elevators and Hoistways in Factories, Rules 400 to 447 (47 in all), effective January 1, 1915.

Bulletin 8, as amended.—Rules relating to the Construction, Guarding, Etc., of Elevators and Hoistways in Factories, Rules 400 to 445 (45 in all), effective April 15, 1915.

Bulletin 9.—Rules relating to Sanitation of Factories and Mercantile Establishments, Rules 100 to 197 (97 in all), effective April 15, 1915.

Bulletin 10.—Rules relating to Equipment, Maintenance, Etc., of Foundries, Rules 550 to 599 (49 in all), effective April 15, 1915.

Bulletin 11.—Rules relating to the Milling Industry and Malthouse Elevators, Rules 650 to 664 (14 in all), effective April 15, 1915.

Bulletin 12.—Rules relating to the Removal of Dust, Gases and Fumes, Rules 700 to 723 (23 in all), effective May 15, 1915.

Considerable preliminary work of an investigational nature was in progress at this time.

The Board also considered applications for the acceptance of fire escapes as a required means of exit in buildings over five stories in height, and for exemption from the requirement to enclose stairways in partitions of fire-resisting material, in buildings not more than six stories in height. A summary of such cases is as follows:

APPLICATIONS FOR	Oct. 1, 1914, to May 22, 1915	May 22 to Sept. 30, 1915	Entire Year
Acceptance of fire-escapes as second means of exit in buildings of over five stories:			
Approved.....	104	55	159
Denied.....	85	5	90
Total.....	189	60	249
Exemption from requirement to enclose stairways in partitions of fire-resisting material in buildings of not over six stories:			
Approved.....	6	20	26
Denied.....	4	3	7
Total.....	10	23	33
Approval of fire-alarm signal systems:			
Approved.....	11	7	18
Denied.....	15	7	22
Total.....	26	14	40
Approval of devices for use in fire-alarm signal systems:			
Approved.....	84	28	112
Denied.....	.....	.....	.....
Total.....	84	28	112
Variations from Labor Law or Industrial Code:			
Approved.....	.....	14	14
Denied.....	.....	.....	.....
Total.....	.....	14	14
<b>Grand total—Approved.....</b>			
Approved.....	205	124	329
Denied.....	104	15	119
<b>All applications.....</b>	<b>309</b>	<b>139</b>	<b>448</b>

Under the provisions of Rule 375, of Bulletin No. 5, the Industrial Board organized a Board of Approval, made up of a representative of the New York City Fire Department, a representative of the State Labor Department, and the Secretary of the Industrial Board. The duties of the Board of Approval are defined in the rule above referred to and consist of passing upon devices and apparatus for use in approved fire alarm signal installations and reports thereon with recommendations. A list of such devices and apparatus, which have been approved, is contained in the Supplement to Bulletin No. 5, which bulletin contains a complete set of specifications for the installation of interior fire alarm signal systems.

The powers and duties of the Industrial Board were transferred to the Industrial Commission, and to properly carry on this important work, the Bureau of Industrial Code was created, and on July 8, 1915, I received a provisional appointment as deputy commissioner and was placed in direct charge of the Bureau; on July 15, 1915, Thomas C. Eipper was provisionally appointed to a deputy commissionership and shares equally in the management of this Bureau. After competitive civil service examination, both appointments were made permanent on November 15, 1915.

To the duties of the Bureau as mentioned above were added those of preparing cases in the matter of petitions for variation from statutory or Industrial Code requirements, and petition for review by Commission, which powers were conferred on the Industrial Commission by the enactment of chapters 674 and 719 of the Laws of 1915.

The task of continuing the duties of the Industrial Board, together with the added duties above referred to, and the organization of the new Bureau, was undertaken after a lapse of eight weeks, and at the present time the permanent force of the Bureau consists of two deputy commissioners and two stenographers.

I might mention that at the time of the abolition of the Industrial Board, there were in addition to the chairman and four associate members, a secretary, an assistant secretary, a special

investigator and three stenographers employed in carrying on the work of the Board.

Since the creation of this Bureau much preliminary work necessary for the formulation of additional rules and the revision of those now in force has been performed.

RICHARD J. CULLEN,  
*Deputy Commissioner.*

## **Part IX**

# **REPORT OF BUREAU OF FIRE HAZARDS BOILERS AND EXPLOSIVES**

**[367]**



**REPORT OF CHIEF ENGINEER  
IN CHARGE OF THE BUREAU OF FIRE HAZARDS, BOILERS AND  
EXPLOSIVES)**

*To the Industrial Commission:*

On April 7, 1915, chapter 234, Laws of 1915, became a law and placed the jurisdiction over explosives in the Department of Labor. The organization of the Bureau was immediately started.

May 25, 1915, five special investigators from the Division of Industrial Hygiene were assigned to this Bureau by Commissioner James M. Lynch to investigate the explosive magazines in the state outside of New York City. There were about 400 names on the roster of the Department of State Fire Marshal, and it was found that about 100 of these had stopped using and storing explosives. In the first three months, 350 firms and contractors were found storing explosives without a license and in a manner contrary to law. These concerns were compelled to build fireproof and bullet-proof magazines or containers as prescribed by sections 230 to 237, inclusive. Only 25 per cent of the licensed magazines complied with the provisions of chapter 234, in most cases being located too near dwelling houses, public highways and railroads as prescribed by section 231 of the law. Most of these magazines at the present time comply with the law.

The Bureau divided the state into nine inspection districts, with one boiler inspector in each district, and it will be the duty of each boiler inspector to inspect boilers and explosive magazines.

The application of explosives to the arts of peace has received a tremendous impetus in recent years, and to-day by far the largest proportion of the explosives manufactured in this country is used in engineering and mining work. Explosives have facilitated the driving of tunnels, the building of roads and railways, the winning of ores and coal, the removal of obstructions to navigation, and the rapid accomplishment of many tasks that would have been impossible without their use, except by an enormous expenditure of time and money.

The work of regulating the handling and storage of explosives is a very important one as it conserves and protects both life and property by placing the necessary safeguards around an industry that is a grave menace to the community.

Section 237 provides that every person selling or giving away explosives in quantities over five pounds shall keep at all times an accurate journal or book of record in which must be entered from time to time, as it is made, each and every sale made by such person in the course of business. The provisions of this section should be strictly adhered to so as to make it difficult for any one with criminal intent to obtain explosives.

The utilization of explosives in the industrial development of New York State has been quite marked during the past year. A large amount of blasting has made possible the rapid completion of several of the large undertakings on hand. Millions of tons of rock have been shot down for grading, for rip-rap, and masonry construction. Much blasting has also been done in the quarries, mines, clay pits, cement quarries, and on the railroads, as well as in the river, harbor, and canal improvements. There is a marked increase in the use of explosives for breaking up ice gorges that threaten navigation and bridges. It is a matter of pride when we realize that with all of this activity there is a growing tendency toward a better use of the explosives, especially with regard to the safety of the workmen using them. They are being more carefully and satisfactorily handled each year.

One of the marked advances that has been made is in the utilization of explosives for road building and reclamation work. In road building, the use of explosives has undergone marked changes, especially in grading and draining the road bed. This last application has been most marked, as it has enabled the builders to go ahead much more rapidly and at less expense in their work, the blasting of side and outfall ditches having been more than successful. The most marked advantages have been noted on the more difficult jobs.

The road improvements have necessitated the handling of thousands of yards of hard ground by a variety of means. Here again explosives have been used with discretion and to good advantage, hard clays, shales and rock being the types of material

most often shot in establishing satisfactory drainage. Many different methods of blasting have been employed, and there is yet room for material advances from the standpoint of economy as well as of safety in this class of work.

Other activities have included the blasting of drainage ditches and canals for the reclamation of wet lands for farms and for health. This reclamation has included the drainage of permanent swamps and ponds as well as overflowed and marsh lands. The clearing and preparation of agricultural lands has also consumed an increasing amount of explosives. This work is much needed, as all possible agricultural lands are essential to the fuller development of the state. This class of work is usually done with care from the standpoint of economy and safety.

Since the beginning of the European war the manufacture of explosives has been greatly increased in this state, and the risk of storing explosives has become more hazardous.

Persons who contemplate handling or storing explosives in quantities over five pounds should get in communication with this Bureau before any purchase of explosives is made. We can then give them the necessary instructions as to the location and construction of the magazine and furnish them a copy of the law and the necessary application blank to be filled out, asking for a certificate of compliance. When application is made for a permit to store explosives, an experienced man will be sent from this Department to help and advise the applicant as to the construction and location of the magazine.

As to the advisability of securing a license, the questions come up: Why should I take out a license? What good will it do me? The answer is: Section 239-a provides that whoever fails to comply with or violates any provisions of this article shall be guilty of a misdemeanor. If an explosion should happen to occur, the person storing explosives in violation of the law would be held criminally liable for any damage to property or loss of life as a result of the explosion. When this Department issues a certificate of compliance, every precaution has been taken and it will be almost impossible for an accident to occur, and no person will be held criminally liable.

What are known as non-freezing explosives are being manufactured and used in large quantities. This kind of explosives does away with the necessity of thawing, which is the greatest danger that is met with for the employees. Statistics prove that more accidents have occurred from this cause than any other, and we, therefore, recommend that this class of explosive be used wherever possible.

#### STORAGE AND HANDLING OF EXPLOSIVES

In order that the demands of the users of explosives may be promptly supplied, it is necessary that manufacturers, transporters, distributors and users of explosives maintain proper and adequate storage facilities. The necessity therefore arises of having magazines in which may be stored large quantities of explosives. At high temperatures explosives may become unstable and more sensitive to shock or frictional impact; consequently they should be stored in cool places. As the addition of moisture is deleterious to all explosives, it is undesirable to store any explosive in a damp place. Hence, in order that correct conditions may prevail, explosives should be stored in a thoroughly ventilated magazine situated on well-drained ground. Since any change in composition may affect the safety or the efficiency of an explosive, explosives containing a definite quantity of moisture should not be subjected to a drying-out process.

The placing of a magazine in relation to ground level affects two safety features in opposite ways. When the magazine is above ground, adequate drainage is easily maintained, but any natural or artificial barricade for limiting the effect of a possible explosion is less effective. When the magazine is partly or wholly below the surface of the ground, barricades are more effective, and for some magazines the earth itself would be an adequate barricade. However, such construction may make proper drainage difficult or even impossible, and drainage should be given first consideration.

#### Protection of Explosives in Magazines

During storage explosives should be protected as far as practicable against heat, moisture, fire, lightning, projectiles, and theft. The buildings should therefore be weatherproof, covered by fire-

proof and bullet-proof material, well ventilated, in secluded locations, and not exposed to fire risk from burning grass or underbrush.

Detonators or other devices containing fulminating composition should not be kept in a magazine in which there are explosives, but should be kept in a separate magazine.

#### Receiving Explosives

A trustworthy person should have supervision of the receiving and storing of explosives in magazines. He alone should have access to the magazines for the purpose of taking out explosives that are required for immediate use.

When a new consignment of explosives is received, it should be stored in the magazine in such a way that the oldest explosives can be issued first. When storing the packages in a magazine a space of a few inches between the walls and the packages should be left for ventilation purposes. The boxes should not be placed so that the cartridges stand on their ends, because this position increases the exudation or leakage of nitroglycerin from cartridges of nitroglycerin explosives.

#### Opening Packages

Packages of explosives should never be opened within the magazine, but in a properly sheltered place at a safe distance. They should be opened with a wooden mallet and a wooden wedge. If a screwdriver is necessary in opening boxes, it should be used only for removing screws. Packages of explosives should never be opened with a nail puller, nor powder kegs with a pick.

#### Repair and Care of Magazines

When it is necessary to repair or make alterations in a magazine, all explosives should be carefully removed and the magazine thoroughly washed. All tools used in making repairs should be of wood or brass. The driving of nails into the floors of old buildings that have been used in the manufacture of explosives has resulted in serious accidents.

Magazines should be kept clean and the floors should be kept free from grit and dirt. The ground around the magazine should

be kept free from rubbish, leaves, and dead grass, and from other materials that might feed a fire. Upon each side and each end of such magazine, or upon its barricade, there should at all times be kept conspicuously posted a sign, with words "MAGAZINE — EXPLOSIVES — DANGEROUS" legibly printed thereon in letters not less than six inches high.

No artificial heat of any kind for thawing or other purposes should be introduced into a magazine. When thawing is necessary the explosives necessary for immediate use should be taken away from the magazine and thawed in a manner as described hereafter.

In England there is a statutory requirement that all magazines shall be provided with a lightning conductor, but no definite arrangement of the conductors is prescribed. In other countries a metallic network is suspended above the magazine on metal poles, the poles being placed in a circle 20 to 30 feet distant from the magazine. At some magazines the network is dispensed with, the poles being depended on for protection against lightning. The practice in Germany is to support vertical copper rods of high electrical capacity near the magazine. The rods are from 36 to 80 feet high, and are sometimes placed on the embankment.

#### **Protection of Life and Adjacent Property**

The most important consideration in the storage of explosives is the prevention of explosions. If this is accomplished no damage to life and property can result. Since absolute prevention is impossible, certain precautions must be taken to prevent damage should an explosion occur.

#### **Selection of Magazine Site**

In selecting a site for a magazine the topography of the ground should be carefully considered, and advantage should be taken of any natural protection offered by hills. It is preferable to erect a magazine on sandy soil rather than on rocky ground, for, in the event of an explosion, the distance which the earth waves are transmitted is materially reduced when the explosion occurs on loose and friable ground. The distance separating magazines

from inhabited dwellings and railways should be far enough so that if an accidental explosion occurs within a magazine the least possible damage will be done to the buildings of the surrounding country.

Magazines in England and Germany are generally substantial buildings with masonry or heavy brick walls, for the reason that the danger of explosion within a magazine is considered to come mostly from without. The buildings are constructed with a view of protecting contents from rifle bullets and from unlawful entry, lightning and fire. The objectionable feature of this type of magazine is that in the event of an explosion within the magazine, large fragments of the heavy walls are projected over the surrounding country, endangering life and property in the vicinity.

#### Thawing Explosives

When a temperature of 52 degrees F. or less prevails, the nitroglycerin in ordinary dynamites crystallizes, or, as is commonly stated, freezes. In order to use such explosive safely and to procure the maximum efficiency they must be properly thawed before using. While being thawed, the explosives should be in a horizontal position, as otherwise they are more liable to exude nitroglycerin.

*Small Quantities.*—The thawing of frozen explosives requires extreme care, and an improper method has frequently led to very serious accidents. No attempts should be made to thaw a frozen explosive by placing the cartridge before a fire, or near a boiler, or on steam pipes, or in hot water, or in the sunlight. While being thawed, nitroglycerine explosives are extremely sensitive and should be handled with great care. During thawing nitroglycerin tends to separate from the dope and run out of the cartridge (that is, to exude), and this is a source of danger.

When only a small amount of explosive is required, it may be thawed in a thawer such as is furnished by all manufacturers of explosives and has been found safe for use as directed. It consists of a water-jacketed tin vessel, in which the cartridges are placed, closed with a tin cover. Before the water is placed in the vessel it is warmed to a temperature not uncomfortable to the

immersed hand; the temperature should never exceed 130 degrees F. The cartridges are allowed to remain in the thawer until gentle pressure shows that they are completely thawed throughout. When thawed, the material feels plastic, or like flour, between the fingers. When frozen, or partly frozen, it feels more or less rigid and hard. The stick should be thawed completely, because dynamite when frozen can be detonated only with great difficulty, and any part that is frozen will be imperfectly detonated in the blasting hole; hence not only may such partly frozen powder fail to give its full effect as an explosive, but there is danger of a serious accident.

When explosives are used in temporary commercial projects in quantities that do not require the thawing of more than 200 pounds at one time, use is often made of manure thawing boxes. They are simple in construction, consisting of tight boxes which, after the explosives are inserted, are completely surrounded with 12 to 18 inches of fresh manure. Such thawing boxes have the advantage of cheapness, but they are adapted to the thawing of explosives only when the explosives are not needed in a comparatively short time.

The practice of placing cartridges of explosives directly in manure piles can not be recommended, for the cartridges may absorb moisture; moreover, manure may become as hot as 150 degrees F., a temperature that is unsafe for the thawing of any explosive.

*Large Quantities.*—Where large quantities of explosives are used daily a thaw house situated at a safe distance from magazines and other buildings should be provided. The capacity of the thaw house should be limited so that it will not hold more than is necessary for one shift. It should never hold more than 500 pounds of explosives. The best practice is to place in the thaw house the amount of explosive that is required for immediate use only.

It is not a safe practice to expose explosives to continuous heating, as some explosives, such as gelatine dynamites, have been known to decompose and explode when subjected to high temperatures for only a few days.

*Transporting Thawed Explosives.*—When an explosive is used in mines or quarries situated in extremely cold localities it may be transported to the working place from the thaw house in an insulated container of the required size, which is provided with a jacket of a good non-conducting material such as hair felt. A device of this kind prevents the thawed explosives from freezing during transportation. It accordingly insures the greatest efficiency in their use.

*Manure Thaw Houses.*—For explosives employed in temporary commercial projects in quantities that require the thawing of more than 200 pounds at one time, manure thaw houses have been satisfactorily used. The principle of their construction is similar to that of manure thawing boxes, except that the cartridges of explosives are placed in layers on shelves. This arrangement compensates for the reduced area of radiation per unit of volume of the inner compartment. In manure thaw houses also a door must be provided for entering the compartment. The roof and the lower portion of the exterior retaining walls should be so constructed that they are easily removable, in order that fresh manure may be added when necessary.

As the heat generated by manure is produced by chemical reaction, obviously manure will be effective as a thawing material as long as this reaction is sufficiently maintained. Such a condition often obtains for many weeks. The possible high temperature within the manure walls of the thaw house or the thawing box are not considered dangerous because the explosive within the compartment is isolated from the manure. Although careful search has been made, no instance of fire resulting from the natural heat of manure used in thaw houses or thaw boxes has been found.

What has been said of the construction of magazines applies equally to the designing of thaw houses. In addition to protecting thaw houses from dangers from without, the increased sensitivity of explosives within the thaw house involves another danger, due to the high temperatures that must be maintained.

**Rules**

This Department has adopted the following rules, and they have been recommended by the Institute of Makers of Explosives.

**GENERAL RULES**

A competent person should always be in charge of explosives, magazines in which explosives are stored, keep magazine keys, and be responsible that all proper safety precautions are taken.

If artificial light is needed, use only an electric flash light or electric lantern. Do not use oil-burning or chemical lamps, lanterns, candles or matches.

Do not carry or allow others to carry matches.

Do not allow shooting or allow anyone to have cartridges or firearms.

Do not allow unauthorized persons near explosives.

Keep constant watch for broken, defective or leaky packages.

Do not allow metal bale hooks or other metal tools to be used.

Do not open or re-cooper packages with metal tools.

Do not use empty high explosive cases or powder kegs.

Do not have blasting caps or electric blasting caps with or near explosives.

Do not leave explosives unless they are stored in a magazine or in charge of responsible persons.

Do not carry blasting caps or electric blasting caps or any explosives in your pockets, or leave them around where children or others can meddle with them.

Do not store, use or handle explosives in or near a residence.

Do not leave cars between trips, either loading or unloading, unless car is locked or guarded.

Do not allow explosives to become wet or be exposed to the weather.

Do not throw packages of explosives violently down or slide them along floors or over each other, or handle them roughly in any manner.

**TRANSPORTING EXPLOSIVES**

In transporting explosives avoid all unnecessary stops. Do not haul through cities, towns or villages when possible to avoid it, but where this is necessary keep off congested thoroughfares, street car tracks and dangerous crossings.

Do not leave any vehicle containing explosives unless team is securely tied and brakes set, or if motor truck is used, motor should be stopped and brakes set.

Do not carry blasting caps or electric blasting caps in the bed or body of a vehicle containing other explosives.

Do not carry metal tools in bed or body of vehicles transporting explosives.

When explosives are on vehicles without tops, they should always be protected from sun and weather by a tarpaulin.

Vehicles and harness used for transporting explosives should always be kept in first class repair. Do not run any risk of vehicles or harness breaking down.

## STORING EXPLOSIVES

All high explosives should be stored only in fireproof, bullet-proof and weatherproof magazines, properly ventilated.

Black powder should be stored only in fireproof and weatherproof magazines, properly ventilated.

Black powder may be stored with high explosives if the magazine is bullet-proof, fireproof and weatherproof and properly ventilated.

Blasting caps and electric blasting caps should be stored in fireproof and weatherproof magazines, properly ventilated.

Blasting caps and electric blasting caps should never be stored in the same magazine with any other explosives.

Keep the door of a magazine securely locked when not engaged in the magazine.

Keep ground around magazines clear of leaves, grass, trash, stumps or debris to prevent fire reaching them.

If leak develops in magazine roof or walls, repair it at once.

Always ship, deliver or use oldest stock first.

When powder and dynamite are both stored in one magazine, store each explosive separately.

Dynamite boxes should be laid flat, top side up. Powder should be stored with kegs standing on ends, bungs down, or on sides, "seams down." Corresponding grades and brands should be stored together and in such manner that brand and grade marks will show. All stocks should be stored so as to be easily counted and checked and so that oldest stocks can be delivered or used first.

Always be on the lookout for dynamite cases showing stains of any nature caused by leakage of any substance from within the case and report it immediately.

Powder kegs should be thoroughly shaken by hand sufficiently often to prevent caking. Don't knock against floor or each other.

Magazine floors should be regularly swept and kept clean. Destroy sweepings from dynamite magazine by burning. Destroy sweepings from powder magazine floors by throwing them in water.

In case magazine floors become stained with nitroglycerin, scrub well with a stiff broom, hard brush or mop with a solution composed of one-half gallon water, one-half gallon wood alcohol and two pounds sulphide of sodium. Use plenty of the liquid so as to thoroughly decompose the nitroglycerin.

When magazines require any repairs on the inside of the magazine, all explosives should be removed to a safe distance and protected. If black powder has been stored in the magazine, wash the floor well with water before the repairs are made. If dynamite has been stored in the magazine and there are any indications of nitroglycerin stains on the floor, wash this portion of the floor before the repairs are undertaken, as instructed in the preceding rule. In case the floor is badly stained, notify the manufacturer of the goods which are being stored. In making outside repairs, if there is any possibility of causing a spark, fire or explosion, the explosive should be removed to a safe distance from the magazine and properly cared for

until the repairs are made. While magazines are being repaired, explosives should be protected from the weather. Don't store them on the ground.

Use a wooden wedge and mallet in opening or closing packages of explosives.

Do not have loose dynamite, powder or blasting supplies exposed in any magazine.

Do not pile damaged or unsalable explosives with salable stocks.

Do not keep or use any steel or metal tools in a magazine, or store any commodity except explosives in a magazine.

Do not store any explosives where they are likely to get wet or absorb moisture.

Do not open packages of explosives or pack or repack explosives in a magazine or within 50 feet of a magazine.

Do not leave explosives lying around where children or people can meddle with them. Always keep them under lock and key in a suitable magazine.

Do not store fuse in a hot place. Fuse should be kept cool and dry.

Do not store any explosives in a dwelling, blacksmith shop, barn or in any place where, in event of an accident, loss of life or property damage might result.

Don't use a magazine for a thawing house.

Don't store primed cartridges in a magazine, i. e., cartridges with detonator attached.

Post magazine rules in every magazine and comply with them.

#### DESTROYING UNSALABLE EXPLOSIVES

Whenever it becomes necessary to destroy damaged explosives, immediately communicate with the manufacturers for advice and instructions.

#### REPACKING EXPLOSIVES

When repacking is required or deemed necessary in order to comply with Interstate Commerce Commission Regulations, communicate with manufacturers for advice and instructions.

#### DELIVERING EXPLOSIVES

In delivering to customers, when explosives are not placed in a magazine and magazine locked, do not leave them unless they are in charge of some person duly authorized by customer to accept them.

Do not overload vehicles or pile explosives on vehicles so there is any danger of their falling off. Brace packages to prevent rolling or sliding. Pile high explosive cases top side up and black powder kegs on ends, bung up, or on sides, seams up.

Do not stop at a blacksmith shop for repairs or shoeing, with wagons containing explosives.

Do not leave vehicle carrying explosives unless team is securely tied and brakes set, or if motor truck is used, motor stopped and brakes set.

Don't carry blasting caps or electric blasting caps in the bed or body of a vehicle containing other explosives.

Some of the explosives stored in the state are dynamite, 20 per cent to 80 per cent; nitroglycerin, guncotton, trinitrotoluol, picric acid, blasting powder, gun powder, and blasting gelatins of all kinds.

The following is a schedule of license fees on magazines containing explosives:

Second class magazines, containing not over 50 lbs.....	\$5 00
First class magazines, grade A, containing over 50 lbs. and not over 200 lbs.....	5 00
First class magazines, grade B, containing over 200 lbs. and not over 10,000 lbs.....	10 00
First class magazines, grade C, containing over 10,000 lbs. and not over 20,000 lbs.....	15 00
First class magazines, grade D, containing over 20,000 lbs. and not over 30,000 lbs.....	20 00
First class magazines, grade E, containing over 30,000 lbs. and not over 300,000 lbs.....	25 00

At present there are in the state nearly eight hundred magazines having an aggregate storage capacity of over four millions pounds of explosives that have been licensed by this Department.

Acknowledgment is hereby made of the hearty cooperation of the explosive manufacturers and the Institute of Makers of Explosives.

May 25, 1915, five special investigators from the Division of Industrial Hygiene were assigned to this Bureau to investigate the explosive magazines in this state outside of New York City. They made 758 inspections between May 25 and September 30, some working only a part of that time. Up to September 30, 451 orders were issued and 433 compliances secured. Certificates of compliance, 1st class, numbering 397, and certificates of compliance, 2nd class, numbering 126 were issued. Receipts for magazine fees amounted to \$5,180.

#### BOILERS

On April 21, 1915, chapter 347, section 91, became a law and placed the jurisdiction over the inspection of steam boilers in the Department of Labor. The organization of this bureau was immediately begun, and in June and July six boiler inspectors were appointed.

The inspection of steam boilers in this state is very much behind the standards of other states. Most of the other states have enacted efficient laws and rules and regulations governing steam boilers, whereas our law is simply an authority to inspect boilers used for factory purposes only. We have submitted to the Legislature proposed amendments, which, if enacted, will place the care and supervision of boilers in this state on an equal footing with those of other states such as Massachusetts, which has a boiler law of very high standard.

There are approximately 25,000 to 30,000 boilers in this state and about 75 per cent of those boilers are insured by duly authorized insurance companies who file their inspection reports with this office.

There are some cities and villages in the state which a boiler inspector has never covered. This matter is being remedied as fast as possible and we hope to have all boilers regularly inspected either by a duly authorized insurance company or a boiler inspector from this Department in the near future.

Since the inception of this Bureau there have been no boiler explosions in this state and no record of any casualty due to bad conditions of any boilers.

This Bureau is only in its infancy and we expect during the ensuing year to accomplish great good and benefit the rural districts as well as the villages and cities throughout the state.

We have no jurisdiction over the boilers located in the cities of Buffalo, Syracuse and Yonkers, which cities have a constituted boiler inspection department.

The inspectors made 656 investigations and 528 inspections. Numbers have been assigned to boilers in 314 cases, and 287 certificates of inspection have been issued. Eighty-six orders were issued and 72 compliances secured. Receipts for boiler fees amounted to \$1,655.

GEORGE A. O'ROURKE,  
*Chief Engineer.*

**Part X**

**OPINIONS OF THE ATTORNEY-GENERAL CON-  
STRUING PROVISIONS OF LABOR LAWS**

**COMPILED BY THE BUREAU OF STATISTICS AND INFORMATION**

**[382]**

NOTE.—In the following pages are printed all of the opinions rendered by the Attorney-General in construing labor laws during the year 1915. Similar opinions of earlier years may be found in previous reports of the Commissioner of Labor. The opinions are here arranged under general subject headings. Section numbers in these headings refer to the general Labor Law. Opinions dealing with that law are placed first, arranged according to section numbers, followed by opinions referring to other laws.

## OPININIONS OF ATTORNEY-GENERAL

### APPLICATION OF EIGHT HOUR LAW (§ 3)

#### (a) Not Applicable to Watchmen Who Perform No Manual Duties

May 20, 1915.

HON. JAMES M. LYNCH, *Commissioner of Labor, Albany, N. Y.*

DEAR SIR.—Replying to your letter of May 8, 1915, in which you ask in the last paragraph whether a watchman, if he perform no manual duties whatever, would be considered a laborer under the terms of section 3 of the Labor Law, and therefore subject to the eight-hour-day provision, I would say that it has been the conclusion of this office, that the employee must be required to do some manual labor before he is classed as a laborer within the intent of that section. Violation of the section is a penal offense, and the courts are inclined to read its provisions strictly (People ex rel. New York, Brooklyn & Manhattan Railroad vs. Prendergast, 209 N. Y. 598). There are no decisions which are directly in point, but under statutes exempting laborers' wages from execution, it has been held, that a jury was justified in finding that a watchman was a laborer "who on his last round in the morning was required to fire a boiler" (McAdams vs. Ellis, 62 S. E. 1001).

I return the correspondence with reference to the alleged violation of section 3 by the Cranford Company. I take it the Public Service Commission found that no manual labor was being performed by the watchmen.

Yours very truly,

E. E. WOODBURY,  
*Attorney-General.*

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#### (b) Not Applicable to Syracuse Public Library

November 8, 1915.

V. T. HOLLAND, *Assistant Secretary, State Industrial Commission, 1 Madison Ave., New York City.*

DEAR SIR.—I have carefully examined the question of the working hours of employees in the Syracuse Library. We start with the proposition that the provisions of section 3 of the Labor Law apply to all classes of employees in the State, as qualified by the definition employee in section 2 as "mechanic, workman or laborer who works for another for hire." From the pay roll submitted it appears that the employees mentioned in your communication, Davis, Martin, Briggs and Herbert Wood, are not paid annual or monthly salaries, but evidently are paid by the day on the time they put in.

I have examined chapter 137 of the Laws of 1912 and chapter 75 of the Laws of 1906, but nothing appears therein except the provision that the

city of Syracuse shall raise by tax the money to maintain the library. It is therefore apparent that there is no peculiar or special control over the library similar to that mentioned in the Attorney-General's opinion dated March 8th, 1912.\*

I have also examined the Education Law, as amended in 1910, and find nothing in its provisions relative to libraries inconsistent with the general mandate of section 3 of the Labor Law. The mere fact that the library is chartered by the University of the State of New York does not, to my mind, result in a library becoming a State institution, since the term "State institution" has, I believe, a much more restricted and special meaning, and would not include all institutions holding State charters.

Very truly yours,

E. E. WOODBURY,

Attorney-General.

#### PREVAILING RATE OF WAGES (§ 3)

(a) Applies to Tugboat Captain and Engineer in State Department of Public Works

July 20, 1915.

HON. WILLIAM W. WOTHERSPOON, *Superintendent of Public Works, Albany, N. Y.*

DEAR SIR.—Under date of July 8th we have a letter from you asking whether the captain and the engineer of your department's tugboat "Queen City" at Buffalo are entitled to the prevailing rate of wages under the provisions of section 3 of the Labor Law. You state that they each receive \$90.00 per month and are employed during the season of navigation. The prevailing rate of wages in the locality is for tug captains \$127.50 and for engineers \$117.50 per month.

I am obliged to advise you that in my best opinion these men are entitled to the prevailing rate of wages. Section 3 of the Labor Law applies both to employees working directly for the State and to employees working for contractors with the State. The section is narrowed in both instances to cover only employees who fall within the class of "laborers, workmen or mechanics." Though it may be urged that persons employed on boats or barges or assist in the navigation thereof are seamen and not workmen, laborers or mechanics within the general conception of those terms, I am of the view that the construction of the New York statute and the determination of whether a person is a laborer, workmen or mechanic turns more upon the question whether such an employee performs manual labor and whether he received wages in contradistinction to a salary, which latter would tend to classify the position as an office and not as an employment.

There is no doubt but that these men perform manual labor, and as they receive so much per month for an indefinite number of months, and not a

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\* For this opinion, see Annual Report of the Commissioner of Labor for 1912, pp. 862, 863.

fixed sum for a year, I think I am correct in saying they receive wages. Of course the men are specially trained in navigation and have received licenses to operate boats upon the public navigable waters which makes their labor in a sense of a higher grade than mere manual labor.

However, section 3 of the Labor Law it will be remembered contains in its closing provisions the following:

but nothing in this section shall be construed to apply to *stationary firemen* in state hospitals nor to other persons regularly employed in state institutions, except mechanics, nor shall it apply to *engineers*, electricians and elevator men in the department of public buildings during the annual session of the legislature.

Note that the section excepts from its operation *stationary firemen* in State hospitals and *engineers*, electricians and elevator men in the department of public buildings. The exception must prove that *stationary firemen* and *engineers* who perform work similar to that done by the engineers in the department of public buildings are in other departments of the State service entitled to the benefits of section 3 of the Labor Law. Assuming that the duties of the engineer aboard the tug relate to the maintenance of the fire and to the running of the engine, he would, I take it, fall within the hours of labor and prevailing rate of wages provisions of the Labor Law. The same argument cannot be applied to the captain of the tugboat, but as he does in fact perform manual labor in steering the boat and is hired by the month, he also could reasonably be classified as a "mechanic, workingman or laborer who works for another for hire," though I do not feel so sure of that classification as in the case of the engineer, and yet the engineer also may perform many other duties which pertain particularly to navigation and not to the running of the machinery.

On the whole I should advise you to pay both men the prevailing rate of wages.

Yours very truly,  
E. E. WOODBURY,  
Attorney-General.

By C. T. DAWES,  
Deputy Attorney-General.

(b) Applies to Mechanics Regularly Employed in State Institutions

March 25, 1915.

STATE HOSPITAL COMMISSION, Albany, N. Y.

GENTLEMEN.—You have brought to my attention an opinion rendered by Attorney-General Parsons, under date of November 20, 1914, in which it was held that electrical engineers employed in State hospitals are entitled to the prevailing rate of wages for like work in the locality.\* The communication from your office of the 18th inst. seeks a reconsideration of that opinion, on the assumption that the intent of the Labor Law, section 3 thereof providing for the payment of the prevailing rate of wages on public work, was mis-

\* For this opinion of Attorney-General Parsons, see Annual Report of Commissioner of Labor, 1914, pp. 306-309.

conceived when read in connection with section 50 of the Insanity Law, which fixes the wages of electrical engineers' assistants in State hospitals at \$82.00 per month; or otherwise that section 50 of the Insanity Law must have been entirely overlooked when the opinion of Attorney-General Parsons was drafted.

You first refer to the language of section 3 of the Labor Law wherein it reads as follows:

The wages to be paid for a legal days work as hereinbefore defined to all classes of such laborers, workmen or mechanics upon *all such public works*, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where *such public work* on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used. Each such *contract* hereafter made shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, sub-contractor or other person on, about or upon *such public work*, shall receive such wages herein provided for.

The view you take of the above provision (1) limits its application to employees engaged on public work *performed under contract*, and (2) denies its application to persons regularly employed in permanent positions for which salaries are fixed by law.

In answer to the assertion that the prevailing rate of wages provision is limited to employees performing work for contractors with the State or a municipality, I need only say that the statute as originally enacted by chapter 622 of the Laws of 1894, and as re-enacted in different form by chapter 415 of the Laws of 1897 (section 3), applied without a doubt to every employee working *directly* for the State.

§ 3. Hours to constitute a days work—Eight hours shall constitute a legal day's work for all classes of employees in this state, except those engaged in farm and domestic labor, unless otherwise provided by law. This section does not prevent an agreement for overwork for extra compensation.

This section applies to work for the state or a municipal corporation, or for contractors therewith.

The wages for such public work shall be not less than the prevailing rate for a legal day's work in the same trade or calling in the locality where the work is performed. Every contract for the construction of a public work, shall contain a provision that the same shall be void and of no effect unless such rate is paid by the contractor to his employees.

Thereafter, by Laws of 1899, chapter 567, the above section of the Labor Law was amended to include a direction that every *contract* with the State or a municipality, which might involve the employment of *laborers, workmen or mechanics*, should contain a stipulation that no more than eight hours' work would be permitted and then followed the injunction as to the prevailing rate of wages, in substantially the same form as it now appears and as you quote in your letter, namely,

The wages to be paid for a legal days work as hereinbefore defined to all classes of such *laborers, workmen or mechanics* upon all *such public work* or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for a days work in the same trade or occupation in the locality within the state where *such public work* on, about or in connection with which *such labor* is performed in its final or completed form is to be situated erected or used. Each such *contract* hereafter made shall contain a stipulation that each such laborer, workman or mechanic employed by such contractor, sub-contractor or other person on, about or upon *such public work* shall receive such wages herein provided for.

I appreciate that some foundation would lie, under the language of the section as amended in 1899, for believing the prevailing rate of wages provision was thereafter to be confined to work by employees for contractors with the State or a municipality and no longer apply to employees working directly for the State. But the Court of Appeals in *Ryan vs. City of New York*, 177 N. Y. 271, took no notice of such a distinction, construing the statute, after the amendment of 1899, as covering a street laborer employed directly by the City of New York. The prevailing rate of wages clause, therefore, applies to both kinds of employees, those of the State and those of a contractor doing work for the State (the latter since the statute was made constitutional in that respect by the constitutional amendment of 1905).

Turning now to the Insanity Law. Chapter 545 of the Laws of 1896, section 38, gave to the Lunacy Commission the power, with the approval of the Governor, Secretary of State and Comptroller, to fix the wages of all employees in State hospitals. This law of course superseded, in so far as State hospitals were concerned, the original prevailing rate of wages provision in the labor statute of 1894.

Thereafter the prevailing rate of wages provision was re-enacted in the Labor Law of 1897, chapter 415; and in 1900 both the Insanity Law, section 38 (chapter 380, laws of 1900) and the Labor Law, section 3 (chapter 298, laws of 1900) were amended. A possible inconsistency having probably been noted by the legislature, specific language was at that time inserted in section 3 of the Labor Law to take employees in State institutions out of the operation of the labor statute, subjecting them to the Insanity Law only, in regard to the amount of wages they should receive.

In 1905, (chapter 714) a new section, section 38-a, was added to the Insanity Law, which established the precise amount of the salaries and wages of hospital officers and employees. The pay of electrical engineers' assistants, first grade, was fixed at \$75.00 per month. Section 38-a was incorporated in the present section 50 of the Insanity Law in 1909, and some changes in the amounts to be paid employees have since been effected (chapter 43, Laws of 1912).

Following the year 1900, therefore, at which date employees regularly employed in State institutions were excepted from section 3 of the Labor Law, there could have been no question but that the Insanity Law was controlling. However, in 1913, by chapter 494, the words "except mechanics" were added to the clause in section 3 of the Labor Law, making it read:

But nothing in this section shall be construed to apply to stationary firemen in State hospitals nor to other persons regularly employed in State institutions, *except mechanics*.

This amendment clearly took the wages of mechanics regularly employed in State institutions out of the provisions of the Insanity Law and placed them within the terms of section 3 of the Labor Law.\* That alteration in

\* Subsequent to the date of this opinion of Attorney-General Woodbury, Insanity Law, § 50, has been amended by L. 1915, ch. 549, effective May 8, 1915, and by L. 1916, ch. 608, effective May 20, 1916; while Labor Law, § 3, has been amended by L. 1916, ch. 152, effective April 7, 1916. The amendment to Insanity Law, § 50, effected by L. 1915, ch. 549, added the sentence: "The provisions of this section with respect to the rate of wages to be paid employees in all positions named in the foregoing schedules shall supersede the provisions of any other general or special law."

the statute, I believe necessitated and necessitates now paying mechanics regularly employed in State institutions the prevailing rate of wages in the locality—which was the same conclusion reached in the opinion of the former Attorney-General which you submit for rehearing.

You are to determine as an administrative board whether the maintenance and extras paid to the electrical engineer were sufficient to make up the prevailing rate of wage which other workmen performing the same labor had or would receive in the locality where the particular hospital in which the work is being performed is situated.

The view of the former Attorney-General is likewise my view of the law. Mechanics perform no duties which are in their nature peculiarly hospital duties, and such may have been the reason for restoring them to the general provisions of the Labor Law. There is nothing in Senate Bill No. 1104, introductory 572, to which you allude, which would suggest a legislative construction to the contrary, for an examination of section 215 discloses that subdivision 4 thereof repeats the same exception with respect to mechanics in State institutions as is now contained in the present law.

Yours very truly,

E. E. WOODBURY,  
Attorney-General.

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#### EXTRAORDINARY EMERGENCY (§ 3)

##### (a) Officer Most Familiar with Facts to Certify\*

October 13, 1915.

HON. EDWIN DUFFEY, *State Commissioner of Highways, Albany, N. Y.*

DEAR SIR.—Receipt is acknowledged of your letter of October 8th relative to certification as to the existence of extraordinary emergency permitting employment of laborers more than eight hours in highway work. I have previously given some consideration to this question and enclose two copies of a letter written December 22d, 1914, so that you may send one to the State Industrial Commission.

It seems to me the question narrows itself down to just this: A question of fact is presented. The Highway Department or whatever other department is concerned in a particular contract is in the best position to ascertain the facts. Since the law is silent as to who shall authorize the contractor to make the extra employment, it is clear that the officer most familiar with the facts should make the certificate. In the case presented, it is the State Highway Department, and I therefore advise that in contracts supervised by your department the State Commissioner of Highways shall in all cases make the certificate authorizing the contractor to employ his laborers more than eight hours, where an extraordinary emergency does, as a fact, exist. Certification should be made to the contractor, the Industrial Commission and the State Comptroller, so that they may be apprised of your decision. So much for the administrative feature of the matter.

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\* Compare opinion of December 22, 1914, in Annual Report of Commissioner of Labor, 1914, p. 305.

Of course the Industrial Commission is authorized under the statute to enforce the Labor Law, and, in some cases, to prosecute violations. However, a decent consideration for the coördinate departments of the State government would, of course, require the Industrial Commission to present to the officer making the certification any additional facts which might not have been before him at the time he acted, and thus give to him an opportunity to revoke or modify the certification as the particular facts may require.

If there is any further advice on this subject which you require, I shall be glad to render it at your request.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

**(b) State Hospital Mechanics Are Subject to Superintendent's Call**

January 20, 1915.

STATE HOSPITAL COMMISSION, Albany, N. Y.

GENTLEMEN.—In reference to your request for opinion of the 16th inst. in reference to the status of mechanics employed by the State Hospitals, I beg to refer you to Volume 2 of the Attorney-General's report for 1913, at pages 453 and 656.\*

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

January 29, 1915.

STATE HOSPITAL COMMISSION, Albany, N. Y.

GENTLEMEN.—Supplementing my letter of the 20th, as requested in yours of the 22d, in view of the additional facts stated, I beg to advise that a Superintendent of a State hospital does not exceed the provisions of the Labor Law in calling on mechanics for services made necessary as a result of unusual emergencies occurring outside of regular hours of duty.

By chapter 494 of the Laws of 1913, Section 3 of the Labor Law was amended in relation to mechanics working in State institutions so as to make the eight-hour provision applicable to them, but this places them in the general class of laborers concerning which said section makes an exception, as follows:

In cases of extraordinary emergency caused by fire, flood or danger to life or property.

In reference to the necessity of engaging an additional night force of mechanics for the sole purpose of sleeping on the grounds for emergency service, I do not deem that this is justified.

\* The opinions here referred to may also be found in the Annual Report of the Commissioner of Labor for 1913, pp. 269-272. Compare above, p. 387.

The Insanity Law directs that a Superintendent of a State hospital may give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense. (Sec. 45, subd. 5).

In accordance with the authority given by this section the rule now in force is

No employee shall be allowed commutation for quarters where accommodations are available in the hospital \* \* \*. (Form 394, General Rules, Sec. 2).

It would seem therefore, that mechanics could be required to reside at a State hospital to better subserve the safety and welfare of the patients and the protection of the hospital property, and, if occasion for emergency service caused by fire, flood or danger to life or property should arise, that the services of mechanics are available, in the discretion of the superintendent, without conflicting with the eight-hour provision of the Labor Law.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

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DAY OF REST LAW (§ 8-a)

(a) Amendment by L. 1915, ch. 648, Supersedes Amendments by L. 1915, chs. 321 and 357

June 1, 1915.

HON. JAMES M. LYNCH, *State Industrial Commission, Capitol, Albany, N. Y.*

DEAR SIR.—I beg to acknowledge receipt of your favor of May 27th calling to my attention the fact that chapter 648 of the Laws of 1915, which became a law on May 18th, amends the Day-of-Rest Law by permitting the Industrial Board to make variations from the requirements of this law (section 8-a of the Labor Law). You further call my attention to the fact that previously chapter 321 of the Laws of 1915, which became a law on April 17, 1915, and chapter 357 of the Laws of 1915, which became a law on April 26, 1915, also amend this same section 8-a of the Labor Law with reference to paragraphs "e" and "f" of subdivision 2 thereof respectively; but that the particular amendments contained in these earlier enactments were not repeated in chapter 648, which became a law on a later date.

I find that chapter 648 amends the entire section and states completely the language of the section. Inasmuch as this is the last expression of the Legislature upon this subject and covers the entire field, all previous amendments of this section or of parts thereof must be deemed to have been superseded thereby.

It must be remembered, however, that chapters 321 and 357 were in full force and effect from the time of enactment down to the time of the passage and approval of Chapter 648.

Respectfully yours,

E. E. WOODBURY,  
Attorney-General.

**(b) Applies to Heating Plants of Railroad Construction or Repair Shops**

A heating plant used in connection with a repair shop of a public service corporation is part of a factory, and employees engaged in maintaining fires therein must be allowed one day of rest in seven.

**INQUIRY**

In the car repair shops of the Brooklyn Rapid Transit Company the Labor Department has ascertained that certain employees whose duty it is to maintain fires are being kept at work twelve hours a day and seven days a week, and my opinion is requested as to whether the company is not violating section 8-a of the Labor Law which provides for one day of rest in seven for employees in factories and mercantile establishments.

**OPINION**

Section 8-a of the Labor Law in the parts essential to the determination of this question, is phrased as follows:

8a. One day of rest in seven. (1) Every employer of labor engaged in carrying on any factory or mercantile establishment in this state shall allow every person, except those specified in subdivision two, employed in such factory or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such factory or mercantile establishment on Sunday unless he shall have complied with subdivision three. Provided, however, that this section shall not authorize any work on Sunday not now or hereafter authorized by law.

## 2. This section shall not apply to

- (a) Janitors;
- (b) Watchmen;
- (c) Employees whose duties include not more than three hours' work on Sunday in (1) Setting sponges in bakeries; (2) Caring for live animals; (3) *Maintaining fires*; (4) Necessary repairs to boilers or machinery.

To proceed logically we should first observe that a railroad construction or repair shop is a factory. Section 2 of the Labor Law so connotes where it defines a factory to be

any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or *other places used for or in connection therewith*, where one or more persons are employed at labor, except power houses, generating plants, barns, storage houses, sheds and other structures owned or operated by a public service corporation, *other than construction or repair shops*, subject to the jurisdiction of the public service commission under the public service commissions law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, *upon the work of a factory* or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

A railroad repair shop is therefore a factory, and a heating plant whether in the building or in a separate structure is part of the factory, because it is a "place used for or in connection with" a factory.

We have, then, these firemen or engineers so-called working in a factory, but not, it is true, engaged in work upon the product of a factory. That

circumstance is immaterial, for it will be noted that section 8-a, subdivision 2, excepts from the operation of the statute various persons who may be found working in factories and yet not actually engaged in factory work, such as "janitors, watchman and employees whose duties include not more than three hours' work on Sunday in \* \* \* maintaining fires." Obviously, if firemen in factories may work three hours on Sunday by permission of the statute, that is the extreme limitation of hours for such work in factories on that day by employees working also every other day in the week. Bear in mind in this connection, I do not mean to pass upon the question, not propounded, whether three hours is the extreme limitation for work on Sunday by any fireman in any factory. The deduction above made is simply argumentative of a legislative intent in subdivisions 1 and 2 to classify employees maintaining fires for factory buildings as employees of a factory; and should it be a matter of necessity, and not prohibited by our statute, that some of them shall work all day on Sunday, those employees must be allowed twenty-four hours' rest on some other day of the week.

I have not entered upon the discussion of nor attempted to decide that the precise place of employment, i. e., a heating plant, is or is not a distinct factory in itself, thinking it sufficient to determine that the heating plant in the instance before me is part of a factory and the employees therein and the employer subject to the provisions of section 8-a of the Labor Law.

Dated, April 15, 1915.

E. E. WOODBURY,  
Attorney-General.

To HON. JAMES M. LYNCH, *Commissioner of Labor, Albany, N. Y.*

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#### CASH PAYMENT OF WAGES (§ 10)

##### (a) Subjection of Piece Workers to Deductions for Defective or Improper Work

November 22, 1915.

HON. V. T. HOLLAND, *State Industrial Commission, Department of Labor, Albany, N. Y.*

DEAR SIR.—Receipt is acknowledged of your letter of November 20th with enclosures. I have also talked with Richard J. Lynch, special investigator in this case, and he has brought out even more forcibly certain phrases in regard to this situation.

As I understand it, the situation is this: Persons are working in the city of Amsterdam in a carpet factory. They are paid by the piece for the work they do. If, upon examination of their work, under what seems to be a very equitable arrangement, it is found that a piece is defective or is not done right, so much is deducted from what is usually paid for a complete and proper piece of work. This arrangement, in my opinion, does not violate section 10 of the Labor Law requiring that wages be paid in cash and without deduction. I see in this arrangement a contract between employer and employee which provides somewhat as follows:

I, the employer, will pay you, the employee, so much for each piece of goods you make in a proper manner. If it is not made in a proper manner then I will pay you what it will be worth to me under an arrangement by which this value will be ascertained to the satisfaction of both of us.

There is no deduction of wages here. Rather, there is the carrying out to the letter an arrangement as to how much will be paid, contingent entirely upon the employee's performance.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

(b) Subjection of Benefit Society Members to Deductions for Dues

OFFICE OF THE COMMISSIONER OF LABOR, ALBANY

February 19, 1915.

HON. EGBURT E. WOODBURY, Attorney-General, Capitol, Albany, N. Y.

DEAR SIR.—I am attaching hereto copy of opinion previously rendered by the Attorney-General in reference to the cash payment of wages. I would direct your attention to the concluding portion of that opinion.\* I now ask for opinion relative to the application of the law to benefit societies of different kinds conducted by employers and employees of factories and mercantile establishments. Broadly stated, these beneficial associations fall in three classes:

First. Those associations formed and managed by the employer, and wherein membership is compulsory and dues are deducted by the employer from the wages when paid. Benefits also controlled by employers.

Second. Those associations that are voluntary as to their membership, and wherein the employer donates a certain amount to the treasury, generally equal to the sum paid in by the members as dues, and where the employer exercises a predominating influence through membership on the Board of Trustees or as expressed in the by-laws has control over the affairs of the association including the payment of benefits to the members and the amounts of such payments.

Third. Those associations voluntary as to membership, wherein on request of the association the employer collects dues on pay-day and acts as treasurer for the association, but where the association by direct selection controls its affairs through a Board of Trustees, including the payment of benefits and the amount of such payments.

There are many such associations in this State, some of which have been in existence for a number of years, and it is desirable at this time owing to a question that has arisen in a recent case reported to the Department of Labor that the application of the law (sections 10 and 24) shall be clearly defined.

Awaiting your reply, I am,

Sincerely,

JAMES M. LYNCH,  
Commissioner.

\* For this opinion of Attorney-General Parsons, see Annual Report of the Commissioner of Labor for 1914, pp. 810, 811.

March 31, 1915.

**HON. JAMES M. LYNCH, Commissioner of Labor, Albany, N. Y.**

**DEAR SIR.**—I refer again to your letter of February 19th in regard to the application of the weekly payment law, where the employer withholds wages to apply upon benefit society dues.

Senator J. Henry Walters was interested in this question, and I believe, inspired the request for an opinion. He asked that he might be heard upon the question before this department took any action, and for that reason I have not answered your letter until to-day, when Senator Walters was able to submit his views.

It is my opinion that your inquiries require no substantial departure from the opinion expressed in Attorney General Parsons' letter of December 31, 1914. In reply to your first question, it is my opinion that this deduction is prohibited by statute. In this case membership is compulsory and the association is managed by the employer. The second and third inquiries indicate that the wages are withheld with the consent of the employed. The mere fact that, as stated in the second inquiry, the employer exercises the predominating influence, has no particular bearing. The controlling fact is that the employe is not required to be a member of the association. If he becomes a member of the association he must know that the employer is instructed to retain the dues out of his wages. I am of the opinion, therefore, that the deductions made as described in the second and third inquiries, are not a violation of the statute.

Very truly yours,

**E. E. WOODBURY,  
Attorney-General.**

#### **ALIEN LABOR LAW (§ 14)**

##### **(a) Aliens, Once Employed, Need Not Be Discharged to Make Way for Citizens**

Where, at the time aliens are hired for labor on public construction work, citizens are not available, such aliens may be continued in their employment, even after citizens become available.

Where aliens were hired in violation of the law as it existed before its amendment this year, their employment should be discontinued, unless citizens are not available. If citizens are not available the employment of the aliens may be continued under new contracts of hiring.

#### **INQUIRY**

The Commissioner of Labor submits an inquiry in connection with the administration of the recently amended section 14 of the Labor Law:

Investigation of the first complaint reaching me shows that aliens now employed commenced work last summer and have been given work during the winter, weather permitting, with preference this spring to citizens when any additional employees were needed. The contention of the contractor is that it is not neces-

mary to discharge the aliens at present employed, even though citizen labor may be obtained.

"Will you please give me your opinion on the application of the law in this respect; if citizen labor is not available and aliens are employed, and citizen labor thereafter becomes available, must the aliens be discharged in order to make way for citizens?

#### OPINION

In the recent case of *People v. Crane*, 214 N. Y. 154, Judge Cardozo said of the prohibition in section 14 of the Labor Law, in upholding the constitutionality of the statute:

The prohibition of alien labor in this statute is, however, unrestricted. It applies to the most temporary and occasional service, and to the lowest grades of labor.

This absolute prohibition has now been limited to a preference of citizens for employment on public construction work by the amendments in chapter 51 of the Laws of 1915 as follows:

Sec. 14. *Preference in employment of persons upon public works.*—In the construction of public works by the state or a municipality, or by persons contracting with the state or such municipality, preference shall be given to citizens over aliens. Aliens may be employed when citizens are not available.

The preference approximates that given by the original Alien Labor Law (chapter 380, Laws of 1889). As long as the law, in one form or another, has been on our statute books, and throughout the elaborate consideration given in the briefs of counsel and in the learned opinions of the courts in the Crane case, except as quoted from Judge Cardozo, statement as to the specific and particular application of the law seems neglected. (See *People v. Warren*, 13 Misc. 618; *People v. Ludington Sons*, 74 Misc. 363). The exceptional character of its provisions also deprives us of extensive resort to analogy or reliance upon decisions of other jurisdictions.

There should be little difficulty with the question of continuance in employment of aliens employed in conformity with the amendment since the time it became effective. The preference given to citizens is intended to be availed of at the time the employment is open. If an alien is accepted because citizens are not available, his employment may continue, although at a later time a citizen might present himself for the particular employment of the alien. The statute nowhere indicates that aliens are to be hired simply as temporary help or as stop gaps. Its terms will not be extended by interpretation to provide a preference manifestly working confusion, unless that intent may not be avoided because of expressions presented upon the face of the statute.

The analogy of civil service employment supports this conclusion. The courts have refused to extend a statutory preference beyond the original appointment. Judge Cardozo said in *People ex rel. Davison v. Williams*, 213 N. Y. 130, 134:

A laborer holds a position, though he does not hold an office, and it is possible to abolish his position though other laborers are retained. If a hundred laborers are employed, and the budget makes provision for ninety, it is necessary to reduce the positions by ten; and men who are relieved from duty for that reason, owe their suspension to the termination of their positions just as truly as if their functions were extraordinary or unique. *The real question is whether the statute imposes a duty on the appointing power to terminate their positions as a last resort, after first sacrificing the positions held by other and less favored classes. We think the duty does not exist.*

It is true that the statute provides that "aliens may be *employed* when citizens are not available," but this does not carry the implication that aliens must be *discharged* if at any future time citizens become available. It is unnecessary to enlarge upon the difficulties, hardships and confusion that would result from such an implication.

The question of the continuance of such aliens as were originally employed in disregard of the prohibition of the former law is somewhat more difficult. Their employment was illegal at its inception. The amendment has not sanctioned it; for we may assume, under the form of the inquiry, that these aliens were employed first, not only in utter defiance of the existing statute, but without any regard for the availability of citizens at that time. When the amendment took effect on March 11th their employment was not legalized. Citizens were entitled to assert their preference to the exclusion of the aliens unlawfully employed. The provision of the law for bringing existing contracts into conformity with the amendment does not affect this conclusion, since the original hiring did not comply with the requirements of either the new or the former law. The continuance of such aliens in employment might, however, be legalized under new contracts of hiring, providing that at time these are made, citizens are not available.

Some inquiry into the nature of these contracts of employment suggests itself. I assume, however, that the hiring is continuous, even though either party is entitled to end it, from day to day or from week to week. Such employment is not interrupted, either in law or in fact, by regularly recurring termination and renewal, operating automatically and without action by the parties, at any particular time of the day or week.

I am, therefore, of the opinion that where aliens are hired at a time when citizens are not available, such aliens may be continued in their employment, although citizens may later be obtained. Aliens hired before the new law took effect, in violation of the statute then existing, and without regard for the availability of citizens, should not be continued in employment, if citizens are now available. They may be continued in employment, in accordance with the amended statute, under new contracts of employment.

It is recognized, of course, that this readjustment of the relation between the master and servant may take place in the most casual manner. Emphasis is only laid on the requirement that there be an appreciable effort for an honest compliance with the law before a new relationship or contract is entered into.

Dated, *March 31, 1915.*

E. E. WOODBURY,  
Attorney-General.

To HON. JAMES M. LYNCH, *Commissioner of Labor, Albany, N. Y.*

(b) Modification of Existing Contracts in Accordance with Amendment of 1915

April 5, 1915.

CHARLES F. MURPHY, Jr., *Insurance, 75 William St., New York City.*

DEAR SIR.—Replying to your letter of March 30th in which you inquire whether it is compulsory that existing contracts embody the new alien Labor Law, chapter 51 of the Laws of 1915. In the case of contracts existing on the day upon which the recent amendment to the Labor Law took effect no change to embody that amendment is compulsory. If, however, the parties to the contract including the sureties other than the State or municipality consent to a change embodying the amendment, it is mandatory upon the State or municipality to modify the contract so as to conform to the provisions of section 14 of the Labor Law, as amended.

In the case of contracts entered into after the date upon which the said amendment took effect, it is of course compulsory that such contracts should conform to the provisions of section 14 as amended.

Very truly yours,

E. E. WOODBURY,  
*Attorney-General.*

By EDMUND H. LEWIS,  
*Deputy Attorney-General.*

April 14, 1915.

HON. LEWIS F. PILCHER, *State Architect, Albany, N. Y.*

DEAR SIR.—Receipt is acknowledged of your letter of April 12th, relative to the change in contract for water supply at Yorktown Heights, to embody the provisions of the amended Alien Labor Law.

It is not necessary under the statute that a State officer take the initiative in making this change. However, if the contractor and his sureties propose the change the State officer having charge of the contract is without power, under the law, to withhold his approval.

My examination of the proposed alteration in the contract discloses nothing objectionable.

The enclosures are returned herewith.

Very truly yours,

E. E. WOODBURY,  
*Attorney-General.*

INDUSTRIAL COUNCIL (§ 40-a)

Secretary ex-officio May be Elected Chairman

October 15, 1915.

MR. H. D. SAYER, *Secretary, Industrial Commission, Albany, N. Y.*

DEAR SIR.—Under date of October 9 you made inquiry whether it would be inconsistent with the law if the Industrial Council provided by section 40-a of chapter 674 of the Laws of 1915, should elect the Secretary of the Indus-

trial Commission, who is also Secretary to the Industrial Council by force of the same act, to the position of Chairman of the Council.

There is nothing in the law creating the offices of Secretary of the Industrial Commission and Secretary to the Industrial Council, which can be construed as prohibitive of such officer also acting as Chairman of the Industrial Council, and I am unable to see how such positions are incompatible. It is unusual for the chairman of a board or commission to also act as the secretary of such body, but if it is deemed advisable and desirable by the Industrial Council to elect you as the presiding officer of their deliberations, and the head of their council, notwithstanding the fact that you are the secretary thereof, there is no express provision of law that would prevent it. The chairman of the council cannot be a member of the council, neither is he allowed a vote even in the event of a tie in the council, but he is permitted to participate in the deliberations and discussions thereof.

I do therefore advise you that it would not be inconsistent with the law if the Industrial Council should conclude to elect the secretary of the board to the office of chairman thereof.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

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#### VARIATIONS AND REVIEW (§§ 52-a, 52-d)

Effect of § 52-a, Enacted by L. 1915, ch. 719, upon §§ 52-a and 52-d, Enacted by L. 1915, ch. 674.

June 1, 1915.

HON. JAMES M. LYNCH, *State Industrial Commission, Capitol, Albany, N. Y.*

DEAR SIR.—I beg to acknowledge the receipt of your further favor of May 27th calling my attention to the Spring bill establishing the State Industrial Commission which became chapter 674 of the Laws of 1915 on May 22, 1915, and also to what is known as the Wagner bill, which became chapter 719 of the Laws of 1915, on May 24th, and which contains an amendment of the Labor Law, by adding a new section 52-a, entitled "variations."

It appears from your letter that the Spring bill contains a section known as section 52-d, which is likewise entitled "variations," and covers the same subject in a slightly different way. The Spring bill further contains a section 52-a which would not conform to the subject matter contained in section 52-a of the Wagner bill, because it relates to the subject of "review by the Commission."

In view of the confusion of section numbers and titles you have requested my opinion as to the effect of the passage of the Wagner bill (chapter 719) on sections 52-a and 52-d as found in the Spring bill.

Chapter 719 being of later enactment must be given full force and effect upon the subject of "variations" and must be deemed to have been the last expression of the Legislature on that subject. It must therefore be deemed to have superseded the provisions of section 52-d of the Spring bill (chapter 674).

The only question remaining is as to its effect upon section 52-a of chapter 674. Clearly it was not the intent of the Legislature to supersede section 52-a of the Spring bill which related to "review by the Commission" and the reading of chapter 719 clearly indicates that it was not the intent of the Legislature to amend that section, but to add a new section. The language used in chapter 719 is as follows:

Section 1. Chapter thirty-six of the laws of nineteen hundred and nine, entitled "An Act relating to labor, constituting chapter thirty-one of the Consolidated Laws," as amended, is hereby amended by adding after section fifty-two thereof a new section to be section fifty-two-a to read as follows:

§ 52-a. Variations, etc.

It is my conclusion therefore that you must deal with two sections 52-a, one relating to review by the Commission and the other relating to variations, and that section 52-d must be considered as superseded by section 52-a added by chapter 719. The numbering of these sections is unfortunate but not important and can be cleared up by the next Legislature.

Very respectfully yours,  
E. E. WOODBURY,  
Attorney-General.

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#### TUNNELS (§§ 119, 120)

The Public Service Commission's Jurisdiction Relative to "Cut and Cover" Subway Construction in New York City is Exclusive.

November 5, 1915.

STATE INDUSTRIAL COMMISSION, Albany, N. Y.

GENTLEMEN.—Your letter of October 23, 1915, asks my view as to whether the Labor Law, sections 119 and 120, has placed upon the Industrial Commission any duties with respect to the safety of workmen engaged in the "cut and cover" subway construction in New York City.

I have carefully examined the Rapid Transit Acts in connection with the Labor Law and I am inclined to believe that the Public Service Commission has exclusive jurisdiction with respect to the inspection and safety of this form of subway construction.

The word "tunnel" commonly means a subterranean passage constructed without removing the superincumbent earth. This I think is the meaning carried by sections 119 to 136 of the Labor Law, for various phrases throughout those sections refer to caissons and the use of compressed air to sustain life, thereby conveying the impression that tunneling proper and not the cut and cover method of construction was in the mind of the Legislature.

Furthermore when the word "tunnel" and other provisions concerning tunnel construction were first inserted in the statute (amendment of 1907, chapter 399), the first cut and cover subway was in operation, but there were in the course of construction no less than nine or ten sets of railroad tunnels on Manhattan Island and under the East and North rivers in some of which serious accidents had already occurred. These extensive tunneling operations were, I believe, the incentive for the legislation of 1907 and that statute had reference only to that method of construction.

If the sections of the Labor Law under discussion do pertain to the safety of employees under the cut and cover construction, the Labor Department would have jurisdiction over the finished cut and cover subways, for they would still be tunnels — a conclusion which would be in direct conflict with the provisions of the Public Service Commissions Law and the Rapid Transit Acts which confer such jurisdiction upon the Public Service Commission.

Yours very truly,

E. E. WOODBURY,  
Attorney-General.

#### EXPLOSIVES (§§ 230-239-a)

##### State Arsenals and Armories Are Not Subject to Labor Law Regulations and Restrictions

June 5, 1915.

FRANKLIN W. WARD, Esq., *Secretary, State Board of Armory Commissioners, Albany, N. Y.*

DEAR SIR.— Receipt is acknowledged of your letter of May 29th, in which you ask whether article 15-a of the Labor Law relating to explosives, as added by chapter 234 of the Laws of 1915, applies to the military establishment of this State.

The provisions of this statute are very similar to those formerly incorporated in the Insurance Law and administered by the State Fire Marshal. It is well established that State institutions will not be deemed comprehended by general regulative laws, unless the statute specifically indicates that the matters under the direct control of the sovereign shall be affected by the statute. This rule of construction applies with equal force in this case, where the military establishment is under the direct command of State officers. Further than this the narrow application of the definitions "building," "person," given in the statute, suggests that it was purposely intended to exclude governmental activities.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

#### HOURS OF GROCERY EMPLOYEES IN CITIES OF THE FIRST CLASS (Public Health Law, § 236-a)

State and City Health Authorities to Enforce

May 11, 1915.

HON. JAMES M. LYNCH, *Commissioner of Labor, Albany, N. Y.*

DEAR SIR.— Answering your letter of May 4, 1915, with reference to section 236-a added to the Public Health Law by chapter 343 of the Laws of 1915, and which provides a limitation upon the working hours of employees over sixteen years of age in grocery stores in cities of the first class, I would

say that the Legislature in its desire to have the statute considered constitutional as a health measure within the police power, has, by placing the statute in the Public Health Law, imposed the duty of its enforcement upon the State Health Department by section 4 of the Public Health Law, and upon the health departments of the cities under the powers conferred in their charters.

The Labor Department has jurisdiction only over the enforcement of the Labor Law as that duty is defined in sections 21 and 172 thereof.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

**GARNISHMENT OF WAGES (Code of Civil Procedure, § 139)**

Actual Drawing of \$12 a Week by the Employee is Requisite

August 12, 1915.

MR. J. M. SWARTHOUT, *Justice of the Peace, Bolivar, N. Y.*

DEAR SIR.— Replying to your letter of August 11th, I beg to advise that in my opinion, in order to subject a man's wages to garnishee, he must be actually drawing \$12.00 a week. It would not do if he were being paid only for a few days at the rate of \$12.00 a week.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

**SALE OF PRODUCTS OF CONVICT LABOR (Constitution of New York,  
Art. III, § 29)**

A contract to furnish electricity produced and generated by convict labor at Clinton prison, to the residents of the village of Dannemora for residential and individual purposes would be illegal and unconstitutional, but electricity so produced can be furnished for public purposes to the village of Dannemora, that being a political division of the State.

**INQUIRY**

R. G. Elliott, President of the village of Dannemora, has requested my opinion as to whether a contract or arrangement could be legally made permitting the furnishing by Clinton prison of electricity generated at the dynamo owned by the State, and operated at the prison, to the village and residents of Dannemora.

**OPINION**

I assume that the dynamo at Clinton prison is run and operated more or less by convicts and inmates of such prison under sentence thereto.

Section 29 of article III of the Constitution provides in part that no person "In any prison, penitentiary, jail or reformatory shall be required or allowed to work while under sentence thereto, at any trade, industry or

occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation."

Sections 170 to 175 inclusive, of the Prison Law, also prohibit the making of any contract by which the labor or time of any prisoner in any State prison, penitentiary or jail shall be contracted for, let, farmed out, given or sold to any person, firm, association or corporation except to the State or some political division thereof, and it is further provided in section 170, "that the convicts in such penal institution may work for, and the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof."

This last quoted provision would seem to indicate that a contract made exclusively with the village authorities for electricity, to be used solely for village purposes, would be permissible, but the furnishing of electricity produced and generated by convict labor to the residents of such village would certainly be within the inhibitions of the Constitution.

I am, therefore, of the opinion that electricity which is produced by convict labor could not be sold to the inhabitants of the village, for private and individual purposes, and that any contract made for the sale of electricity so produced, to such inhabitants would be illegal, but a contract made with the village for supplying it with street lights, and lights for public places within the corporate limits owned by such village, would be permissible under the provisions of section 170 of the Prison Law.

Dated, *May 15, 1915.*

E. E. WOODBURY,  
Attorney-General.

To HON. R. G. ELLIOT, *President Village of Dannemora, Dannemora, N. Y.*

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#### CONVICT DEPOSITS AND SAVINGS (Prison Law, §§ 125, 134, 187)

A convict's deposits and savings while he is in prison can only be paid to him with the approval of the Superintendent of State Prisons for disbursement by the agent and warden, or the superintendent of a reformatory.

Hon. John B. Riley, Superintendent of Prisons, under date of September 9, 1915, has asked for an opinion as to the right of inmates of the several state prisons to demand and have paid to them for their own use any funds standing to the credit of such inmates while still in prison, and also whether such funds can be withheld from prisoners if demand is made by such prisoners while still working out their sentence.

#### OPINION

By the letter of inquiry I am informed that "by permission of former superintendents and wardens the custom has been established at the different prisons whereby prisoners are allowed to purchase a limited quantity of supplies from their own funds on the approval of the warden, the return of such funds to the prisoner being provided for by an estimate against the

fund forwarded each month for my approval in accordance with the provisions of section 125," and that it appears to be the understanding of the inmates and some officers that the funds standing to the credit of a prisoner cannot be withheld from the prisoners if demanded by them for the purchase of supplies for their own use while still in prison.

By section 134 of the Prison Law, the agent and warden of each prison shall take charge of any money or articles brought to the prison by a convict and the money is required to be deposited by such warden, and an account kept of the same, "which money and other articles, whenever the convict from whom the same was received shall be discharged from prison, or the same shall be otherwise legally demanded, shall be returned by the said agent or warden to such convict or other person legally entitled to the same;" with interest.

Section 125 of the same law, which is entitled "deposit of convicts' deposits and earnings," makes specific provision for the deposit by the agent and warden of "All the moneys received by him as such agent and warden, as convict deposits and miscellaneous earnings, and send to the Comptroller and also to the Superintendent of State Prisons, weekly, a statement showing the amount so received and deposited, and when and from whom and for what received, and the days on which such deposits were made." That part of such section which applies more particularly to the subject under consideration reads as follows: "The moneys so deposited by such agent and warden as convict deposits and miscellaneous earnings shall be subject to his check or draft only when countersigned by the comptroller. The comptroller shall countersign such check or draft only when the same is drawn for the payment of an expenditure included in an estimate approved by the superintendent of state prisons, and for the purposes hereinafter stated. The agent and warden of each prison shall, on the first day of each month, make an estimate and detailed statement of all moneys that will, in his judgment, be required for clothing, allowance and transportation of United States prisoners, and to repay to convicts moneys on deposit to their credit, and the interest thereon, as provided by section one hundred and thirty-four of this chapter, during such month, which estimate shall be forwarded to the superintendent of state prisons, who may revise the same by reducing the amount thereof, and he shall certify that he has carefully examined the same, and that the sums stated in said estimate are actually required for the purposes above stated, and he shall thereupon deliver the said estimate, so certified, to the comptroller."

The only method provided for the withdrawal of funds which stand to the credit of a prisoner is by check or draft of the agent and warden countersigned by the Comptroller and then only after the same has been included in an estimate approved by the superintendent of prisons and for the purposes mentioned in the portion of the section above quoted.

It is provided by section 187 of the Prison Law that the amount of any surplus arising out of the prisoner's labor may be paid to him during his imprisonment *only* upon the certified approval of the Superintendent of State Prisons for disbursement by the agent and warden.

It thus appears to have been the clear intent of the Legislature not to allow any funds standing to the credit of a prisoner to be paid to him while he is in confinement unless such payment is submitted to or approved in some

manner by the Superintendent of State Prisons and the agent and warden of the prison in which he is confined thus providing for a double check and safeguard against the withdrawals of any prisoner of his funds while in confinement.

To construe the words "otherwise legally demanded" in section 134 as applying to the demand made by any convict at any time, to make demand and have returned to him whatever funds he may have standing to his credit, would be in direct conflict with both the letter and the spirit of the Prison Law.

The statute casts the duty of determining what moneys shall be paid to the prisoner while in confinement upon the superintendent in conjunction with the agent and warden, and such officers are charged with the responsibility of not only keeping the same, and returning it to the convict upon his discharge, but with the expenditure of any part of it while he is in prison.

The money standing to the credit of a convict could be legally demanded from the prison authorities by the legal representatives of the prisoner in the event of his death, and there might be other contingencies arise whereby it could be legally demanded, and it seems to have been the intention of the Legislature to provide for just such contingencies.

If a prisoner could demand and have his money returned to him at any time according to his whim or caprice, the several provisions of the statute providing for its safe keeping and return to him are simply useless, as but few, if any, of the convicts would allow their money to remain under the control of the prison officials if he could demand its payment to him at any time.

I am clearly of the opinion that neither the money nor articles brought to the prison by a convict upon his commitment thereto, nor any of his earnings can be paid to him except with the approval of the Superintendent of State Prisons and also the agent and warden of the prison, and all money standing to the credit of a prisoner should be withheld from him until the provisions of the Prison Law relative to the payment of such funds to such prisoner have been fully complied with.

Dated, *September 5, 1915.*

EBERT E. WOODBURY,  
*Attorney-General.*

To HON. JOHN B. RILEY, *Superintendent of State Prisons, Albany, N. Y.*

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**MAINTENANCE OF FAMILIES AT STATE INSTITUTIONS (State Charities Law, § 45)**

The employees and officers of State institutions reporting to the Fiscal Supervisor, other than the superintendents, medical officers, adjutants, quartermasters and stewards, are required to pay for the rooms and maintenance of their families living in or maintained by such institutions, at the rates fixed by the Comptroller and Fiscal Supervisor and approved by the Governor for such maintenance, and it is the duty of the managers of such institutions to compel and enforce the payment of such maintenance.

## INQUIRY

The Board of Managers of the State Agricultural School at Industry, New York, have passed a resolution asking for the opinion of the Attorney-General as to the maintenance of minor children and others in the families of employees and officers of the school, and also ask that if such officers and employees are liable for the maintenance of their families, what method should be adopted to collect the amounts payable for such maintenance, and whether it can be taken from their checks.

## OPINION

It appears by the letter of Samuel P. Moulthroop, the Secretary and Treasurer of the Board of Managers at Industry, N. Y., that in some sixteen of the supervising families of the institution, there are one or more minor children; that a majority of the Supervisors refuse to pay for the maintenance or at least pay no attention to the bills; and if it is decided that such Supervisors are liable for the maintenance of such children, the further inquiry is made as to what method should be adopted to collect the same, and whether it can be taken from their checks.

That portion of section 45 of the State Charities Law which applies to the subject under consideration reads as follows:

No persons, other than the officers and employees of such institutions, and the families of the Superintendents, Medical Officers, Adjutants, Quartermasters or Stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by State Comptroller and the Fiscal Supervisor with the approval of the Governor.

There is no doubt or uncertainty about the foregoing language and the statute clearly excludes from gratuitous maintenance all the families of the officers and employees of such institutions except those of the superintendents, medical officers, adjutants, quartermasters and stewards. It appears that the rates for the members of such families other than the officers above specified, have been established by the Comptroller and Fiscal Supervisor, with the approval of the Governor, and it is the duty of the managers of such institutions to see that the amounts provided in such schedule of rates are paid, as often as the officer or employee is paid.

I do not think the managers would have the right, arbitrarily, to deduct the amount of the maintenance of any member of a family from the check of the person who is liable therefor, without the consent of such employee, but each of such persons should provide in some manner for such maintenance, and if such employee refuses to allow the amount which he or she is liable for as the maintenance of some member or members of his or her family to be deducted from the amount payable to them upon each payday, and retained by the managers in payment of such maintenance, and refuses to make any provision for the payments, then it would be the duty of the managers to discharge or remove them from the service unless they make agreement and provision for the payment of all future maintenance and in the future, whenever any new employee is taken on, the provisions of the statute should be distinctly stated to him, together with the schedule of rates which have been fixed, and a definite understanding and agreement made in reference to the maintenance of the families of all those employees.

who come within the provisions of the above quoted law, and just how it should be paid and the agreement should be lived up to. Such a course will obviate further trouble in the future, but is clearly the duty of the managers to see that the statute is complied with and the amounts collected and accounted for as provided by section 17 of the State Finance Law.

Dated, *June 11, 1915.*

E. E. WOODBURY,  
Attorney-General.

To the MANAGER OF AGRICULTURAL AND INDUSTRIAL SCHOOL, *Industry, N. Y.*

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#### WORKMEN'S COMPENSATION LAW

(a) **The Workmen's Compensation Law Does Not Apply to Blind Persons in Industries Under the New York State Commission, Since Their Work Is Not Carried on for Pecuniary Gain (§ 3, subd. 5)\***

*January 5, 1915.*

HON. CLARENCE M. ABBOTT, *Secretary, New York State Commission for the Blind, 105 W. 40th St., New York City.*

DEAR SIR.— Receipt is acknowledged of your letter of the 4th relative to the liability of your commission for injuries to blind persons in your employ and placed in the employment of private persons and corporations.

This department has ruled that the Workmen's Compensation Law does not comprehend the State and its municipalities except where hazardous employments are carried on for the purpose of pecuniary gain by the State or municipality.

I find, however, upon examination of chapter 415 of the Laws of 1913, the act creating your commission, that in section 10 a distinct provision is made for the accounting for all moneys received from the sale of products made in your workshops.

However, I believe it would be my duty to contend, if a claim were presented to the Workmen's Compensation Commission, that the work is not carried on for the purpose of pecuniary gain, although you might have funds coming into your hands having the appearance of profit.

I therefore advise you that your commission is not liable under the Workmen's Compensation Law.

So far as the ordinary liability is concerned, the State is not liable for the torts of its officers and agents. I presume that blind persons employed by private persons and corporations could turn to their employer the same as any other employee. When employed by your commission, it is my opinion that the individuals responsible for any wrong would be legally liable towards such blind person employed.

Very truly yours,  
E. E. WOODBURY,  
Attorney-General.

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\* L. 1916, ch. 622, has added Workmen's Compensation Law, § 2, subd. 43, expressly exempting employments carried on by the State and its municipalities from the "pecuniary gain" limitation of § 3, subd. 5.

(b) **The Workmen's Compensation Law Does Not Apply to Town Employees Constructing County Highways, Since Their Work Is Not Carried on for Pecuniary Gain (§ 3, subd. 5)\***

June 28, 1915.

MR. IRVING J. MORRIS, *Secretary State Commission of Highways, Albany, N. Y.*

DEAR SIR.—I have received your letter of June 18th, stating that the town board of the Town of South Hampton which was the successful bidder for the improvement of a county highway is desirous of learning whether it is necessary for them to comply with the provisions of the Compensation Law in the same manner as ordinary contractors. You state that it is not the expectation of the town board that any profit will be made, but that they have the necessary equipment and desire to inaugurate the work of improvement in the town in this way.

The Compensation Law as amended by chapter 316 of the Laws of 1914, includes within the term "employer" the State and a municipal corporation or other political subdivision thereof. The effect of this amendment was to do away with the provision contained in the original enactment excepting the State, its municipalities and other political subdivisions from the operation of law. But the term "employment" as defined in subdivision 5 of section 3 of the Compensation Law includes employment only in a "trade, business or occupation carried on by the employer for pecuniary gain." This must be held to be applicable to the State and its political subdivisions none of which carry on many occupations for pecuniary gain but only so far as there are such occupations has the statute included them.

It is therefore necessary to determine whether this town has undertaken an occupation for pecuniary gain and it does not seem to be necessary for us to determine this question upon the basis of their expectation as to profit because section 131 of the Highway Law which deals with the award of contracts to such town boards, provides in the last paragraph thereof, that if a town shall construct a highway by contract, as therein provided, for a lesser sum than the contract price, the town shall be paid only the amount of the actual cost of such construction and the surplus shall remain in the State treasury. It therefore seems clear that by the statute itself which authorizes the board to do this work, the town is prevented from making any profit and it cannot be said to come within the provisions of the Compensation Law. I do not wish to prejudge the determination of the commission upon this question and therefore think it might be wise for the town board to obtain an opinion from the Industrial Commission which under the statute has a special counsel. My function in handling these matters seems to relate only to matters of appeal from the determinations of the commission and I therefore do not wish to have you or the town board rely upon my judgment.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

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\* L. 1916, ch. 622, has added Workmen's Compensation Law, § 2, subd. 43, expressly exempting employments carried on by the State and its municipalities from the "pecuniary gain" limitation of § 3, subd. 5.

(c) The Right of State Fund Insurers to Appeal May Be Tested by a Motion to Dismiss the Appeal (§ 23)\*

July 3, 1915.

HON. JEREMIAH F. CONNOR, *Chief Counsel, State Industrial Commission, 1 Madison Ave., New York City.*

MY DEAR MR. CONNOR.—I have your letter of July first with reference to three claims in which the employers are insured with the State Insurance Fund, in which the employer has filed notice of appeal to the Appellate Division, and in which you state the Commission is of the opinion that an employer in the State Fund has no right of appeal, and desire to have the matter tested.

You request my opinion as to whether this question can be properly raised if you furnish the employers copies of the records in order to prepare their papers on appeal.

Section 73 of the Compensation Law seems to indicate that any party is entitled to a transcript of the records upon payment of the proper fee, which is irrespective of the question of appeal, and even if it were not for that provision of the statute, it does not seem to me that the furnishing of these records would preclude the making of a motion by the Attorney-General to dismiss the appeal upon the ground that there is no right under the statute for such an employer to appeal.

The right of appeal is a statutory right, and is a jurisdictional question which I think can not be waived.

Very respectfully yours,

E. E. WOODBURY,  
*Attorney-General.*

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(d) Securities Deposited by Self-Insurers with the Workmen's Compensation Commission Have Been Automatically Transferred to the State Industrial Commission (§ 50, subd. 3)

June 25, 1915.

HON. JOHN MITCHELL, *Chairman, State Industrial Commission, 1 Madison Ave., New York City.*

DEAR SIR.—I beg to acknowledge receipt of your letter of the 9th instant in which you request my opinion as to whether the members of the State Workmen's Compensation Commission are relieved of responsibility as custodians of the securities deposited with them under the provisions of subdivision 3 of section 50 of the Workmen's Compensation Law of 1914, and what receipt, if any, should be furnished the members of the State Workmen's Compensation Commission upon the transfer of such securities to the custody of the State Industrial Commission.

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\* State Fund insurers cannot appeal from the Commission to the courts, *Crockett v. International Ry. Co.*, 170 App. Div. 122, November 10, 1915; but Workmen's Compensation Law, § 28, as amended by L. 1916, ch. 622, permits the Commission, on application of either party, to certify questions of law to the Appellate Division in State Fund cases as in other cases.

I note that some employers, prior to the enactment of chapter 674 of the Laws of 1915, which established the State Industrial Commission, deposited with the State Workmen's Compensation Commission certain securities upon the condition that they were "to be held by the Commission in trust" with power to collect the interest, &c., and sell the same, if necessary, upon the default of a self-insurer in the payment of compensation. I further note that some of these securities are bonds registered in the name of the State Workmen's Compensation Commission.

Section 50, subdivision 3, refers to deposit with the "Commission." Section 3 of the old Workmen's Compensation Law (chapter 41, Laws of 1914) defines "Commission" to mean "The State Workmen's Compensation Commission."

Section 4 of the Spring bill (chapter 674, Laws of 1915) which created the Industrial Commission, abolished the State Workmen's Compensation Commission, and provided that all of the powers, duties, obligations and liabilities conferred or imposed by law upon the Workmen's Compensation Commission "are hereby conferred and imposed upon the State Industrial Commission, and such Commission may exercise and perform such powers and duties and shall be subject to such obligations and liabilities in the same manner, to the same extent and with the same force and effect as would have been the case had the Workmen's Compensation Commission been continued in office."

For such purposes the statute says that the State Industrial Commission shall be deemed a continuation of such Workmen's Compensation Commission.

Section 6 of chapter 674 of the Laws of 1915 provides that the rules, regulations and orders of the old Commission shall be continued in force and that all "matters" pending before the old Commission shall be continued.

Section 7 of the same statute provides that whenever the term "Workmen's Compensation Commission" occurs in any law or in any rule or regulation, such term shall be deemed to mean the Industrial Commission.

From all of the above it is plain that the State Workmen's Compensation Commission has been relieved of a responsibility as custodian of such securities which have automatically been transferred to the custody of the State Industrial Commission.

It would seem to me that there is no legal requirement for the passing of a receipt to the members of the Workmen's Compensation Commission upon such transfer, but there can be no objection to any such course or proceeding, and in order to save any question at a later time in the event that any of such securities should be misplaced, lost or any difficulty arise, it might be a wise precaution which the members of both Commissions would prefer to take for their individual satisfaction.

Respectfully yours,

E. E. WOODBURY,  
Attorney-General.

(e) The State Industrial Commission May Determine Whether a Policy Has Been Cancelled or Not, May Award Directly Against an Insurance Carrier and May Bring Suit to Recover (§ 54, subd. 5)

STATE INDUSTRIAL COMMISSION, NEW YORK OFFICE, 1 MADISON AVENUE.

August 13, 1915.

*Claim 74,190: Emil T. Bloom, Deceased.*

HON. E. E. WOODBURY, Attorney-General, Capitol, N. Y.

DEAR SIR.—Your opinion is respectfully requested upon certain questions which have arisen before the State Industrial Commission, in relation to the determination of the claim for compensation made on behalf of the wife and children of the deceased employee above named. The facts, so far as material to the question at issue, are as follows:

Emil T. Bloom was employed by the firm of Tilin & Bleek, which firm, prior to the date of the accident had given security for the payment of compensation by insuring with the Aetna Life Insurance Company. He was injured on March 24, 1915, and died on March 28, 1915. In passing upon the claim for compensation notice of hearing was sent to the employer and also to the insurance carrier. Upon the hearing the insurance carrier contended that the policy in question had been cancelled for non-payment of the premium. The employer contended that the premium had been paid and that notice of cancellation had never been received.

Has the State Industrial Commission jurisdiction to determine whether the policy above mentioned has been cancelled?

Has the State Industrial Commission jurisdiction to make an award of compensation directly against the insurance carrier, as well as against the employer?

In what manner should the State Industrial Commission pursue its right of recourse against the insurance carrier under subdivision 1 of section 54 of the Workmen's Compensation Law?

The Commission is frequently confronted with questions somewhat similar to the above, where the insurance carrier contends that its policy is not operative as to the accident in question, and the Commission would be glad to have your opinion upon the question above mentioned and any other views which you may care to give, indicating in what manner the rights, as between the injured workman, his employer and the insurance carrier may be definitely determined.

If you desire, the writer will be glad to talk the matter over with you.

Very respectfully,

STATE INDUSTRIAL COMMISSION.

By JEREMIAH F. CONNOR, Counsel.

August 16, 1915.

Claim 74,190: *Emil T. Bloom, Deceased.*HON. J. F. CONNOR, *Counsel, State Industrial Commission, 1 Madison Avenue, New York City.*

DEAR SIR.—In reply to your letter of the 13th instant and in reply to the questions therein set forth, would say that in my opinion the State Industrial Commission has jurisdiction to determine whether the policy has been cancelled inasmuch as it is provided under section 20 that "the Commission shall have full power and authority to determine all questions in relation to payment of claims for compensation under the provisions of this chapter," and also, it is provided under subdivision 5 of section 54 that "no contract of insurance shall be cancelled until at least ten days' notice of intention to cancel such contract shall be filed in the office of the Commission," and from your letter I do not glean that any such notice had been filed in your office.

As to the second question, I think the State Industrial Commission has jurisdiction to make the award directly against the insurance carrier under subdivision 1 of section 54, as I assume that the policy in question had the clause therein stated of the right of the Commission to enforce the policy.

As to the third question, I think the State Industrial Commission after making the award, if it is not paid, can bring suit to recover the same with the penalty as provided in section 26.

Very truly yours,  
E. E. WOODBURY,  
*Attorney-General.*

(f) **The Premium on a Bond Required of a Subordinate by the State Industrial Commission Is a Proper Charge Against the State (§ 67, subd. 7)**

October 7, 1915.

HON. EUGENE M. TRAVIS, *State Comptroller, Albany, N. Y.*

DEAR SIR.—I have received your letter of September 27 enclosing bill of the Globe Indemnity Company, forwarded to your department by the State Industrial Commission for payment of premiums on official undertakings of the secretary, cashier and assistant cashier of that Commission, payment of which was refused by your office on the ground that it is not a proper charge because the law did not require the above persons to furnish a bond.

I have read your letter and also the letter enclosed by you addressed to Deputy Wendell and written by Mr. Connor, counsel of the Industrial Commission.

It is quite apparent that Mr. Connor is quoting from section 11 as it read prior to its recent amendment and this is indicated not only by the amendment of 1912, to which you refer in your letter, but by the amendment of chapter 48 of the Laws of 1914, which amended that portion of section 11 which relates to the payment by the State of the expenses of procuring such surety. That sentence now reads as follows:\*

\* L. 1915, ch. 628, May 14, 1915.

If the surety on an official undertaking of a state or local officer, clerk or employee of the state or political subdivision thereof or of a municipal corporation be a fidelity or surety corporation, the reasonable expense of procuring such surety, not exceeding one per centum per annum upon the sum for which such undertaking shall be required by or in pursuance of law to be given, shall be a charge against the state or political subdivision or municipal corporation respectively in and for which he is elected or appointed.

The amendment of 1914, chapter 48, changed the words "upon the amount of such undertaking" so as to read "upon the sum for which such undertaking shall be required by or in pursuance of law to be given."

I fail to appreciate your objection to the payment of the premiums upon these bonds. I do not find any specific law which would prevent the Commission from carrying out the specific provisions of section 67 of the Compensation Law, subdivision 7, with reference to the giving of undertakings by all subordinates receiving and disbursing moneys. Neither can it be denied that this is an official undertaking given in pursuance of law. Section 11 of the Public Officers Law uses both of these expressions and some effect must be given to the words "in pursuance of law," in addition to the meaning to be given to the words, "required by."

It is therefore my opinion that an official undertaking required by the Commission by rule as authorized by section 67 of the Compensation Law, subdivision 7, is an official undertaking given in pursuance of law, and that it is a proper charge against the State within the meaning of section 11 of the Public Officers Law.

I return herewith the bill of the Globe Indemnity Company and the letter of Mr. Connor addressed to Deputy Comptroller Wendell.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

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(g) State Fund Surplus or Reserve: Custody; Investment; Registration of Bonds or Securities (§§ 91-93)

October 23, 1915.

STATE INDUSTRIAL COMMISSION, 1 Madison Ave., New York City.

GENTLEMEN.—In reference to the questions which have arisen between you and the State Treasurer, would say that it is the opinion of this office that the surplus or reserve fund belonging to the State Insurance Fund, whether in cash or securities, should at all times be in the custody of the State Treasurer; that in making investments there should be no gap between the payment of money and the delivery of securities. The method of investing, of course, is a matter of administration that can undoubtedly be done in the manner talked over when you had the conference with the State Treasurer, by placing your order for the purchase of securities with the bank with which the money is deposited.

In reference to the registration of bonds or securities, however, we do not think it necessary that they should be registered in the name of the State Treasurer, providing he has the possession and custody thereof, and as it is not necessary that they should be registered in his name, it would not be

good business practice to do so, as it would make an additional detail in the handling of the securities.

Very truly yours,

E. E. WOODBURY,  
Attorney-General.

**(h) State Fund Insurers Are Not Subject to Assessment (§ 100)**

Employers who insure in the State Insurance Fund and have paid the premiums required by the statute are not subject to further liability by assessment. Insurance in the State Fund is not regarded as insurance in a mutual association of employers.

**INQUIRY**

Are the employers who insure in the State Insurance Fund subject to the same possible assessment in excess of premiums paid as employers insuring in any mutual compensation company?

**OPINION**

Section 100 of the Workmen's Compensation Law (chapter 816, Laws of 1913, as re-enacted and amended by chapter 41, Laws of 1914) provides as follows:

Any employer may, upon complying with subdivisions 2 or 3 of section 50 of this chapter, withdraw from the fund by turning in his insurance contract for cancellation, provided he is not in arrears for premiums due the fund and has given to the commission written notice of his intention to withdraw within thirty days before the expiration of the period for which he has elected to insure in the fund; *provided that in case any employer so withdraws, his liability to assessment shall, notwithstanding such withdrawal, continue for one year after the date of such withdrawal as against all liabilities for such compensation accruing prior to such withdrawal.*

In view of this section of the law, it has been the belief of some that policyholders insuring in the State Fund are subject to assessments as provided in the above section.

On May 23, 1915, the following resolution appears to have been adopted by the Workmen's Compensation Commission:

WHEREAS, Section 100 of the Workmen's Compensation Act relating to withdrawal from the State fund provides that in case any employer withdraws, his liability to assessments shall, notwithstanding such withdrawal, continue for one year after the date of such withdrawal as against all liabilities for such compensation accruing prior to such withdrawal; and

WHEREAS, It has come to the attention of the commission that there exists an impression that there is a liability on the part of employers insured in the State fund to be assessed by the commission in addition to the amount of premium; and

WHEREAS, The act contains no other provision whatever relating to assessment and the commission believes that the law confers no power to assess any policyholder for any amount in excess of the premium paid; therefore, be it

*Resolved*, That the commission declares its judgment to be that it has no right or authority under the act to levy an assessment on any policyholder.

It is my judgment that the commission has properly ruled in this matter.

I fail to find any provision in the compensation law which authorizes the commission to assess any policyholder for any amount in excess of the

premium paid unless it can be inferred from the language used in section 100 in connection with the power which has been granted to the commission under section 67 of the Workmen's Compensation Law (chapter 41, Laws of 1914, as amended) which provides that the commission shall make reasonable rules not inconsistent with this chapter regulating and providing for "carrying into effect the provisions of this chapter," or regulating and providing for "the collection, maintenance and disbursement of the state insurance fund."

Section 53 in providing for the payment of premiums into the State Fund and thereby relieving the employer from all liability for injuries to his employees seems to assume that the payment of premiums is the only payment required.

Section 90 sets forth the elements which go to make up the fund and does not mention assessments.

Section 92 provides for setting aside, from the premiums, a surplus and reserve to cover catastrophies and anticipated losses and to carry all claims and policies to maturity. There is no language here to indicate any further requirement as to assessment.

Section 94 provides for charging the administrative expense later to insurance carriers including the State Fund, but no mention is made of assessing employers insuring in either.

Section 95 permits the commission to adjust premiums, but there is no indication that this does not relate entirely to future policies. It would violate the obligations of a contract, if otherwise, and would be unconstitutional. It further requires the commission to fix the rates of premium so as to keep the fund solvent and create a reasonable surplus and reserve.

Section 97 further adds requirements as to adjusting the premium rates in accordance with loss ratios in various groups but additional assessments are not mentioned.

The same section provides machinery for dividing and crediting an aggregate balance above what is necessary for adequate surplus and reserve so as to give the employer the benefit of it on his next premium. There is no mention made in this section, however, as to an assessment being levied to provide for a deficiency.

Provision is also made in this section for an adjustment of the amount of premium at the end of the six months' period when the actual amount is determined in accordance with actual wage expenditure but this is not an assessment within the meaning of section 100.

Section 99 in providing for action for the collection of payments required by the commission has no application in the absence of further express authorization, in the statute, of the commission to require payments other than the regular premiums.

I have not seen any form of contract or policy in connection with insurance in the State Fund. I presume, however, in view of the resolution of the commission of May 23d, in which the commission states it to be its belief that it has no power to assess any policyholder, that there is no contract provision in existing policies requiring the payment of such assessments.

The question remains whether liability to assessments being recognized as existing in section 100, the commission has power to make regulations to

cover the case either on the theory that it is "carrying into effect the provisions of this chapter," or on the theory that it is part of the "collection, maintenance and disbursement of the state insurance fund."

I do not believe that it can be said that the Legislature has provided for the levying of an assessment on policyholders in the State Fund when we find that the only mention of it is in a section permitting an employer at the expiration of his policy to take out one of the other recognized forms of insurance. It may be that this provision in section 100, dealing with assessments, was placed in that section with the expectation that machinery would be provided elsewhere for the levying of such an assessment or that at the time it was inserted there was actually in the bill being drafted a suitable provision for the levying of such an assessment which was subsequently removed.

If the statute had somewhere expressly granted to the commission the power to levy an assessment for the benefit of the State Fund, instead of incidentally referring to it as an existing power, then the provisions of section 67, authorizing the commission to make rules to carry into effect the provisions of this chapter could be applied. "I believe the courts would be reluctant to approve of a delegation of legislative power to the commission to determine not only the machinery for the levy of the assessment, but the limitations of the assessment itself, where no such assessment was directly authorized."

Neither do I believe that the commission has power to cover this case under subdivision 9 of section 67 permitting it to make regulations providing for "collection, maintenance and disbursement of the state insurance fund," for the same reasons.

Dated, *July 16, 1915.*

EGBURT E. WOODBURY,  
*Attorney-General.*

To LUCAS & DAKE Co.,

*General Agents, Aetna Life Ins. Co.,  
Rochester, N. Y.*











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